MONTANA LEGISLATIVE HISTORY

Chapter 711 1979

Bill H 844 S _____ Original bill & history ✓ C

H. Committee on Taxation			S. Committee on Finance & Claims		
Hearing Date(s)	3-7	C	Hearing Date(s)	4-6	C
sub comm.	3-21	C		4-10 PM	C
	3-24	C		4-11	C
	3-26	C		4-17	C
Date Out	3-26	C	DATE OUT	4-17	

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

House BILL NO. 844

INTRODUCED BY Meyer

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO ALCOHOLISM TREATMENT PROGRAMS AND THE DISTRIBUTION OF REVENUES FROM THE LIQUOR LICENSE TAX PROCEEDS; AMENDING SECTIONS 16-1-404, 16-1-408, 53-24-103, 53-24-104, 53-24-108, 53-24-203, 53-24-204, 53-24-207, AND 53-24-303, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-24-103, MCA, is amended to read:

"53-24-103. Definitions. For purposes of this chapter, the following definitions apply:

(1) "Alcoholic" means a person who habitually lacks self-control as to the use of alcoholic beverages or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted.

(2) "Approved private treatment facility" means a ~~private~~ nonprofit agency, receiving public funds (whose sole function is the treatment, rehabilitation, and prevention of alcoholism and drug dependence) meeting the standards prescribed in 53-24-208(1) and approved under 53-24-208.

(3) "Approved public treatment facility" means a treatment agency operating under the direction and control of the department ~~or providing treatment under this chapter through a contract with the department~~ as a state agency and approved under 53-24-208.

(4) "Department" means the department of institutions provided for in 2-15-2301.

(5) "Family member" is the spouse, mother, father, child, or member of the household of an alcoholic whose life has been affected by the actions of the alcoholic and may require treatment.

(6) "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment.

(7) "Incompetent person" means a person who has been adjudged incompetent by the district court.

(8) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.

(9) "Prevention" has meaning on four levels; these are:

(a) education to provide information to the school children and general public relating to alcohol dependence and alcoholism, treatment, and rehabilitative services and

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to reduce the consequences of life experiences acquired by contact with an alcoholic;

(b) early detection and recovery from the illness before lasting emotional or physical damage, or both, have occurred;

(c) if lasting emotional or physical damage, or both, have occurred, to arrest the illness before full disability has been reached;

(d) the provision of facility requirements to meet division program standards and improve public accessibility for services.

(10) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, which may be extended to alcoholics, intoxicated persons, and family members."

Section 2. Section 53-24-104, MCA, is amended to read:

"53-24-104. Deposit of funds from federal or private sources with state treasurer. Funds available to the department from federal or private sources for use in alcohol and drug dependence prevention, treatment, and control programs shall be deposited with the state treasurer to the account of the department in the federal and private revenue fund. Funds received by the department under this

section shall be allocated to the counties on the same basis as liquor and beer tax revenue when not in conflict with federal or private laws or federal regulations."

Section 3. Section 53-24-108, MCA, is amended to read:

"53-24-108. Utilization of funds generated by taxation on alcoholic beverages. (1) Revenue generated by 16-1-404, 16-1-406, and 16-1-408 ~~for~~ to state approved programs whose sole function is the treatment, rehabilitation, and prevention of alcoholism may be distributed in either of the following manners:

(a) as payment of fees for alcoholism services provided by state-approved alcoholism programs, ~~certified alcoholism counselors, licensed physicians, and licensed hospitals~~; and

(b) as grants to persons operating state-approved alcoholism programs.

(2) No person operating a state-approved alcoholism program may be required to provide matching funds as a condition of receiving a grant under subsection (1) of this section.

(3) In addition to funding received under this section, a person operating a state-approved alcoholism program may accept gifts, bequests, or the donation of services or money for the treatment, rehabilitation, or prevention of alcoholism.

(4) No person receiving funding under this section to support operation of a state-approved alcoholism program may refuse alcoholism treatment, rehabilitation, or prevention services to a person solely because of that person's inability to pay for those services.

(5) A grant made under this section is subject to the following conditions:

(a) The grant application must contain an estimate of all program income, including income from earned fees, gifts, bequests, donations, and grants from other than state sources during the period for which grant support is sought.

(b) Whenever, during the period of grant support, program income exceeds the amount estimated in the grant application, the amount of the excess shall be reported to the grantor.

(c) The excess shall be used by the grantee under the terms of the grant in accordance with one or a combination of the following options:

(i) use for any purpose that furthers the objectives of the legislation under which the grant was made; or

(ii) ~~deduction from total project costs to determine the net costs on which the grantor's share of the costs is based~~, to allow program growth through the expansion of services or for capital expenditures necessary to improve facilities where services are provided.

(6) Revenue generated by 16-1-404, 16-1-406, and 16-1-408 for the treatment, rehabilitation, and prevention of alcoholism which has not been encumbered for those purposes by the counties of Montana or the department shall be returned to the state's ~~general~~ earmarked revenue fund for the treatment, rehabilitation, and prevention of alcoholism within 30 days after the close of each fiscal year."

Section 4. Section 53-24-203, MCA, is amended to read:

"53-24-203. ~~Duties~~ Powers and duties of department. (1) The department ~~shall~~ may:

~~(1)~~(a) plan, promote, and assist in the support of alcoholism and drug dependence prevention, treatment, and control programs;

~~(2) conduct, sponsor, and support research, investigations, and studies including evaluation of all phases of alcoholism and drug dependence;~~

~~(3)~~(b) assist approved programs in the development of educational and training programs relative to alcoholism and drug dependence and carry on programs to assist the public and technical and professional groups in becoming fully informed about alcoholism and drug dependence;

~~(4)~~(c) promote, develop, and assist, financially and otherwise, ~~alcoholism~~ public and private alcohol and drug dependence programs administered by ~~other state agencies~~

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~~local---government---agencies,---and----private----nonprofit organizations-and-agencies~~ the department;

~~(5)~~(d) encourage and promote effective use of facilities, resources, and funds in the planning and conduct of programs and activities for ~~prevention,~~ treatment, ~~and~~ control, and prevention of ~~alcoholism~~ alcohol and drug dependence and, in this respect, cooperate with and utilize to the maximum possible extent the resources and services of federal, state, and local agencies~~;~~.

~~(6)--develop,----encourage,---and---foster---statewide, regional,-and-local-plans-and-programs-for-the-prevention-of alcoholism--and--treatment--of--alcoholics--and--intoxicated persons--in--cooperation--with--public-and-private-agencies, organizations,--and--individuals---and---provide---technical assistance-and-consultation-services-for-these-purposes;~~

(2) The department shall:

(a) encourage planning for the greatest utilization of funds by discouraging duplication of services, encouraging efficiency of services through existing programs, and encouraging rural counties to form multicounty districts or contract with urban programs for services;

~~(7)~~(b) coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in treatment and prevention of alcoholism ~~and--treatment-of-alcoholics-and~~

~~intoxicated-persons;~~

~~(8)--cooperate---with---the---board---of---pardons---in establishing--and--conducting--programs-to-provide-treatment for-alcoholics-and-intoxicated-persons-in-or-on-parole--from penal-institutions;~~

~~(9)~~(c) cooperate with the state board of education, the superintendent of public instruction, schools, police departments, courts, and other public and private agencies, organizations, and individuals in establishing awareness programs ~~for--the-prevention-of-alcoholism-and-treatment-of alcoholics-and-intoxicated-persons-and-preparing--curriculum materials-thereon-for-use-at-all-levels-of-education;~~

~~(10)~~(d) ~~prepare,--publish,--evaluate,--and~~ disseminate educational material dealing with the nature and effects of alcohol;

~~(11)~~(e) develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of alcoholics and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of alcohol;

~~(12)~~(f) organize and foster training programs for all persons engaged in treatment of alcoholics and intoxicated persons;

(g) distribute funds to approved programs according to the allocation for distribution as provided for in 16-1-404;

~~(13) sponsor and encourage research into the causes and nature of alcoholism and treatment of alcoholics and intoxicated persons and serve as a clearinghouse for information relating to alcoholism~~

~~(14)~~(h) specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

~~(15)~~(i) advise the governor in the preparation of a comprehensive plan for treatment of alcoholics and intoxicated persons for inclusion in the state's comprehensive health plan;

~~(16)~~(j) review all state health, welfare, and treatment plans to be submitted for federal funding under federal legislation and advise the governor on provisions to be included relating to alcoholism and intoxicated persons;

(k) provide ongoing training of approved program personnel;

~~(17) assist in the development of and cooperate with alcohol education and treatment programs for employees of state and local governments, businesses, and industries in the state~~

~~(18)~~(l) utilize the support and assistance of

interested persons in the community, particularly recovered alcoholics, to encourage alcoholics to voluntarily undergo treatment;

~~(19)~~(m) cooperate with the department of justice in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated;

~~(20)~~(n) encourage general hospitals and other appropriate health facilities to admit without discrimination alcoholics and intoxicated persons and to provide them with adequate and appropriate treatment;

~~(21)~~(o) encourage all health and disability insurance programs to include alcoholism as a covered illness; and

~~(22)~~(p) submit to the governor an annual report covering the activities of the department.

Section 5. Section 53-24-204, MCA, is amended to read:

"53-24-204. Powers of department. (1) To carry out this chapter, the department may:

~~(1)~~(a) accept gifts, grants, and donations of money and property from public and private sources;

~~(2)~~(b) enter into contracts;

~~(3)~~(c) acquire and dispose of property~~;~~

~~(4) plan, establish, and maintain treatment programs as necessary or desirable~~

~~(5) coordinate its activities and cooperate with~~

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~~discrimination--alcoholics--and--intoxicated--persons--and--to provide--them--with--adequate--and--appropriate--treatment;~~

~~(21)(o)(P)--encourage---all---health---and---disability insurance--programs--to--include--alcoholism--as--a--covered illness;--and~~

~~(22)(p)(Q)--submit--to--the--governor--an--annual--report covering--the--activities--of--the--department.~~

Section 4. Section 53-24-204, MCA, is amended to read:

"53-24-204. Powers of department. (1) To carry out this chapter, the department may:

~~(1)~~(a) accept gifts, grants, and donations of money and property from public and private sources;

~~(2)~~(b) enter into contracts;

~~(3)~~(c) acquire and dispose of property~~;~~

~~(4)--plan,--establish,--and--maintain--treatment--programs as--necessary--or--desirable;~~

~~(5)--coordinate--its--activities--and--cooperate---with alcoholism--programs--in--this--and--other--states--and--make contracts--and--other--joint--or--cooperative--arrangements--with state,--local,--or--private--agencies--in--this--and--other--states for--the--treatment--of--alcoholics--and--intoxicated--persons--and for--the--common--advancement--of--alcoholism--programs;~~

~~(6)--do--other--acts--and--things--necessary--or--convenient to--execute--the--authority--expressly--granted--to--it;--and~~

~~(7)--provide--treatment--facilities---for---alcoholics,~~

~~intoxicated--persons,--and--family--members.~~

~~(2) To carry out this chapter, the~~ THE department shall:

~~(a) approve treatment programs as provided for in 53-24-208;~~

~~(b) prepare an annual state plan for the delivery of treatment services;~~

~~(c) provide for and conduct statewide service system evaluations;~~

~~(d) distribute state and federal funds to the counties for approved treatment programs in accordance with the provisions of 16-1-404~~ 53-24-206;

~~(e) plan in conjunction with approved programs and provide for training of program personnel delivering services to alcoholics;~~

~~(f) establish criteria to be used for the development of new programs; and~~

~~(g) certify and establish standards for the certification of alcoholism and drug dependence counselors;~~

~~(h) ENCOURAGE PLANNING FOR THE GREATEST UTILIZATION OF FUNDS BY DISCOURAGING DUPLICATION OF SERVICES, ENCOURAGING EFFICIENCY OF SERVICES THROUGH EXISTING PROGRAMS, AND ENCOURAGING RURAL COUNTIES TO FORM MULTICOUNTY DISTRICTS OR CONTRACT WITH URBAN PROGRAMS FOR SERVICES; AND~~

~~(i) COOPERATE WITH THE BOARD OF PARDONS IN~~

shall be coordinated with and utilized in the program if possible.

~~(5)~~(6) The department shall prepare, publish, and distribute annually a list of all approved public and private treatment facilities."

Section 7. Section 53-24-303, MCA, is amended to read:

"53-24-303. Treatment and services for intoxicated persons and persons incapacitated by alcohol. (1) An intoxicated person may come voluntarily to an approved public treatment facility for emergency treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he consents to the proffered help, may be assisted to his home, an approved public treatment facility, an approved private treatment facility, or other health facility by the police.

(2) A person who appears to be incapacitated by alcohol shall be taken into protective custody by the police and forthwith brought to an approved public treatment facility for emergency treatment. If no approved public treatment facility is readily available, he shall be taken to an emergency medical service customarily used for incapacitated persons. The police, in detaining the person and in taking him to an approved public treatment facility, are taking him into protective custody and shall make every reasonable effort to protect his health and safety. In

taking the person into protective custody, the detaining officer may take reasonable steps to protect himself. No entry or other record may be made to indicate that the person taken into custody under this section has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved public treatment facility ~~shall~~ may be examined by a licensed physician ~~as soon as possible~~. He may then be admitted as a patient or referred to another health facility. The referring approved public treatment facility shall arrange for his transportation.

(4) A person who by medical examination is found to be incapacitated by alcohol at the time of his admission or to have become incapacitated at any time after his admission may not be detained at the facility once he is no longer incapacitated by alcohol or, if he remains incapacitated by alcohol, for more than 48 hours after admission as a patient unless he is committed under 53-24-304. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved public treatment facility and is not referred to another health facility may be taken to his home. If he has no home, the approved public treatment facility shall assist him in obtaining shelter.

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(6) If a patient is admitted to an approved public treatment facility, his family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, his request shall be respected."

Section 8. Section 16-1-404, MCA, is amended to read:

"16-1-404. License tax on liquor -- amount -- distribution of proceeds. (1) The department is hereby authorized and directed to charge, receive, and collect at the time of sale and delivery of any liquor under any provisions of the laws of the state of Montana a license tax of 10% of the retail selling price on all liquor sold and delivered. Said tax shall be charged and collected on all liquor brought into the state and taxed by the department. The retail selling price shall be computed by adding to the cost of said liquor the state markup as designated by the department. Said 10% license tax shall be figured in the same manner as the state excise tax and shall be in addition to said state excise tax. The department shall retain in a separate account the amount of such 10% license tax so received. ~~Two-thirds of these revenues shall be distributed to the counties according to the amount of liquor purchased in each county. One-third of these revenues shall be retained by the state.~~ Thirty percent of these revenues shall be allocated to the counties to be distributed to the

incorporated cities and towns, as provided in subsection (2). The remaining revenues shall be deposited in the earmarked revenue fund to the credit of the department of institutions for the treatment, rehabilitation, and prevention of alcoholism. Provided, however, in the case of purchases of liquor by a retail liquor licensee for use in his business, the department shall make such regulations as are necessary to apportion that proportion of license tax so generated to the county where the licensed establishment is located, for use as provided in 16-1-405. The department shall pay quarterly to each county treasurer the proportion of the license tax due each county to be allocated to the incorporated cities and towns of the county and to the department of institutions for the treatment, rehabilitation, and prevention of alcoholism.

(2) ~~The county treasurer of each county shall retain 50% of said license tax and shall, within 30 days after receipt thereof, apportion the remaining 50% thereof to the treasurers of the incorporated cities and towns within his county, said apportionment to be based in each instance upon the proportion which the gross sale of liquor in such incorporated city or town bears to the gross sale of liquor in all of the incorporated cities and towns in his county.~~ The license tax proceeds allocated to the county shall be distributed by the county treasurer to the incorporated

cities and towns within 30 days of receipt from the department. The distribution of funds to the cities and towns shall be based on the proportion that the gross sale of liquor in each city or town is to the gross sale of liquor in all of the cities and towns of the county.

~~(3) of the 50% of the tax retained by the county, the county treasurer shall deposit six-sevenths of this amount in a fund within the county for the treatment, rehabilitation, and prevention of alcoholism as approved by the state of Montana. The remaining one-seventh of the funds shall be retained in the county treasury for use by that county.~~ The license tax proceeds that are allocated to the department of institutions for the treatment, rehabilitation, and prevention of alcoholism shall be credited quarterly to the department of institutions. Ten percent of the proceeds allocated to the department of institutions shall be used for the administration of the alcohol and drug abuse division of the department. The remaining proceeds shall be distributed to the counties in the following manner:

(a) Eighty-five percent shall be allocated according to the proportion of each county's population to the state's population according to the most recent United States census.

(b) Fifteen percent shall be allocated according to

the proportion of the county's land area to the state's land area.

~~(4) The one-third of the license tax on liquor retained by the state shall be deposited with the state treasurer to the credit of the department of institutions each quarter for the treatment, rehabilitation, and prevention of alcoholism as approved by the state.~~"

Section 9. Section 16-1-408, MCA, is amended to read:

"16-1-408. Additional tax. (1) An additional tax of $1 per barrel is levied and imposed as provided by 16-1-406, and such additional tax is also to be levied and imposed at the same rate upon beer manufactured within the state. The additional tax of $1 is to be deposited, notwithstanding 16-1-305 and 16-1-410 or any other provision, with the state treasurer to the credit of the department of institutions each quarter for the treatment, rehabilitation, and prevention of alcoholism as approved by the state.

(2) The proceeds of the additional tax shall be allocated to the counties on the same basis as the license tax proceeds provided for in [subsection (3) of section 8]."

NEW SECTION. Section 10. Contract for services required. Revenue generated from 16-1-404 and 16-1-409 and any other revenue that is allocated to the counties for the purpose of treatment, rehabilitation, and prevention of alcoholism shall be contracted for services by the counties

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to state-approved alcoholism programs. The contracts will be developed jointly by the counties and the department of institutions. The department of institutions shall monitor and give final approval to contracts based on compliance with department standards, administrative rules, and state law.

-End-

HB 847

HOUSE TAXATION COMMITTEE

46th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 821	Establish special property tax class for new small business property located in an economically depressed area; setting a lower taxable percentage; amend...	2/15	McBride	3/3	AS AMENDED DO PASS	3/24
HB 830	Revise inheritance tax; exempt property transferred to surviving spouse; 15-year deferreal of tax on transfer of family farm or business to child & allowing ~~credit against tax based on~~ number of year owned by child.	2/15	Burnett	3/2	DO NOT PASS	3/23
HB 844	Generally revise laws relating to alcoholism treatment programs & the distribution of revenues from ~~liquor license tax proceeds~~.	2/16	Meyer	3/7	AS AMENDED DO PASS Statement of Intent	3/26
HB 848	Provide fee in lieu of property tax for motor homes, travel trailers, snowmobiles & campers.	2/16	Quilici	3/10	DO NOT PASS	3/26
HB 852	Create a gaming control board; licensing & regulation of gambling authorized by law; provide penalties for violations; board terminates on June 30, 1981.	2/17	Gould	3/5	DO NOT PASS	3/8
HB 858	Revise laws relating to treatment of alcoholics & intoxicated persons; provide change in funding of treatment programs.	2/17	Tropila	3/7	Held in Committee	

HOUSE TAXATION COMMITTEE

46th Legislature

Rep. E. N. Dassinger, Vice-chairman, called the meeting to order at 8:30 a.m., March 7, 1979, in room 434, Capitol Building, Helena. Rep. Huennekens was excused - all other members finally were present. Randy McDonald, staff attorney was present.

Bills to be heard today were House Bills 725, 844, 858.

Rep. R. Budd Gould, District #98, Missoula, sponsor of HB 725 which is an act to generally revise laws relating to treatment of alcoholism, advised HB 725 ties in with HB 724. Took a lot of work to come up with the things that are appropriate in the first interests of alcoholism. Wants to work at a point where we don't have fragmented programs.

HOUSE BILL 725

Ron Spurlin explained a hand out which is attached. HB 725 ia a massive housekeeping effort in Montana. ADAD is the state alcohol division.

Are concerned about being able to continue some programs for their clients and whether they can be afforded. Other bills are coming - there is one that is very similar, HB 844 which will be compatible with HB 725.

Opponents:

Kay Hanrahan, State Task Force on Women's Substance Abuse, Helena, opposes HB 725. She has served on the state advisory board for drug and alcoholic programs in the state; as a counsellor and administrator, particularly as to alcoholic services in the eastern part of the state. Reasons for opposing HB 725 are listed on attached testimony. Exhibit #1.

Marcia Staigmiller, Cascade County Alcohol Program, Great Falls, said the overall treatment and concern for emergency services which is necessary in gaining an easy access to later treatment for alcoholics, is reason for proposing HB 725 be amended. She requests that this bill address clearly emergency treatment. It must be included as a part of the services provided to the alcoholic.

Michael Murray, Department of Institutions/Alcohol & Drug Abuse Division, Helena, oppose HB 725 because of specific items. (3) removed obligation to provide training carryon programs such as physicians who call their office and others for detoxification. See a need to continue in the state law that our department have a responsibility to deal with professional groups.

Will turn over for the public's inspection a study regarding their alcohol research work. Want to develop a drug curriculum for schools. Line 19, page 6 eliminated state law allowing them to take the advise of Alcoholics Anonymous - they are two separate organizations with no ties. The fact that we use recovered alcoholics does not necessarily mean he is a member of AA.

Under powers of the department, line 11, page 7, powers of the department - line 16 (3) why not leave in the right to dispose of property. To transfer on a loan basis to community alcoholic programs.

counties can provide every service given at Galen. All allocated money could go to Galen to provide service for persons from all over the state. Suggests that since an AA member cannot be used, that a recovered alcoholic be a member of the board.

Mr. Zanto - distribution of monies - this bill would propose to take the liquor tax and distribute 95% to the state and 5% to the counties. It seems to him better to allow the appropriations committee to determine if the department is spending the money properly. Ought to allow the appropriations subcommittee to allocate what they feel is necessary to the department and then distribute 100% of whatever is left.

Mona Sumner, Rimrock Foundation, Billings, has been involved as a volunteer in alcoholic services. The status quo is not working down in our home communities. The chairman of the board of Rimrock Foundation says they are not receiving state alcoholic funds, yet the legislature granted funds for a local level. It has subsequently taken $500,000 to administer that law. Have subsequently closed a treatment unit and are now sending people to Glasgow, which costs more. Recommends trying to set a ceiling on administration so that money can come down to the local level. Limits duplication of services. Thinks their job ought to be to manage state services, not provide the services. Need a formula so that there is an equitable base for distribution of funds. Some programs have been robbed so that some other ones could get in. HB 858 needs some amendments. See testimony attached. Supports HB 844 and with good communication can work this out.

Dan Mizner, Executive Director of Montana League of Cities and Towns, Helena, has no problem with the bill. Distribution of funds is their concern. Support programming, but at the local level. In favor - with some changes on page 26, line 14 - if you were to consider changing that to 65% - reduce 40% to 35% -- these funds may be used for alcoholic treatment programs. The money has gone into the police funds since about 1957. Think if the intent is to leave present allocation with the police operation as it is, and the other for money to go to training programs, it would be better.

Marcia Staigmiller, Great Falls, page 2, line 3, thinks the public facility section should be left in. The new section 6, page 11, concerns her - (1) re the treatment facilities - should not eliminate good programs.

Dave Goss, City of Billings, Billings, urges committee to maintain present level of funding from liquor tax to cities for law enforcement purposes. See testimony attached.

Opponents -

Kent Farr, Musselshell Foundation, Roundup, described himself as a person coming from a rural area with rural problems. On page 11, lines 5 and 6, the county is concerned that this would open the door for Galen to bill cities for care of local residents. Page 15, lines 6-10, the same thing seems to occur as far as transportation. Could bill the county for transportation. Drop into Galen overnight and the county could be billed for transportation. Page 26 - funding. Personally doubts there will be that much more money available for programs during the year. It goes on to a division of monies on a population or purchase basis which will adverse effect on some places. 85% based on population and 15% based on land mass - this would have to have a formula to allow programs in rural counties to exist. Are O.K. on population and purchase basis, but if split on a population basis, would have to quit.

Rep. Underdal asked Harry Simons, Mayor of Shelby, if he would like to see local recovery centers continue. He said Shelby is a prime example of what alcohol does in the cost of cities. They have 7 people on the police department. It takes two people to get people out of the bars. Think it should be retained on a local level rather than haul them to Galen and back.

Rep. Hirsch said in the treatment process, the family has to be involved. How do you get them involved if the patient is at Galen or Glasgow? Rep. Tropila said he is not against the community centers. Should be treated in the community where his family is. Rep. Hirsch said the community center in Miles City would have to be discontinued. It is a limited profit center. There are problems of losing money from the alcohol tax in the process of administration. Need some kind of money that is not lost. An audit showed no specific loss of money - Mr. Scott said they found no loss, no defaults, no fraud.

Rep. Vinger said the Deaconess hospital has a 28-day treatment program - the family is there for 4 days. They have facilities for them.

Doug Austin said 5-7% is administrative, the rest is for treatment and education. In sending people for inpatient programs, counties will get a certain amount of money, the money will go back, and the county won't be able to operate. Outpatient treatment programs are important. Who gets these people into the programs - who does the intervention - the persons who are ill do not say "I have the illness" - you have to do intervention work.

Rep. Darryl Meyer, District #42, Great Falls, sponsor explained HB 844 revises the laws relating to alcoholism treatment programs and the distribution of revenues received from liquor license tax.

HOUSE BILL 844	Franklin H. Steyaert, Vice-chairman of the Board of County Commissioners of Cascade County, supports HB 844, and suggests some amendments. See letter to Taxation Committee Chairman explaining their views and amendments. Letter is attached.

Mona Sumner, Rimrock Foundation, Billings, supports HB 844. A little history behind this legislation - Alcoholism has been decriminalized. The legislature passed HB 627 which established some funds for community based programs. Two-thirds of those funds have subsequently been used to fund essential organizations at Galen and Glasgow. The budget to administer that law exceeded $500,000 for that year.

Funds are needed to provide care for those returning from Galen or Glasgow after treatment. As a result of loss in Rimrock funds, had to close their center for this purpose. It is costing more to send a person to Galen or Glasgow. Community services are the most cost-effective programs. This is substantiated.

Suggests a limit of 10% ceiling be set on administration; limit the division to perform only management functions not direct service treatment functions. Establish a uniform formula - 85/5 - for distribution of funds. If you are getting a larger share of the larger share, you will be better off. Advocate for counties to eliminate costly duplication of services. See testimony attached.

Dick Baumgardner, Director of Alcohol Program in Great Falls, left testimony which is attached.

David Cunningham, Rimrock Foundation, Billings, suggests HB 844 be amended. See

proposed amendments attached. HB 844 does provide adequate funding for local programs; provides a ceiling for administration expenses; provides equitable distribution and avoids duplication of services.

Marcia Staigmiller, Cascade County Alcohol Program, Great Falls, said must also allow ourselves the job of taking into consideration the patient, not just distribution of funds.

Mike Murray thinks the money could be used for any program - page 6, line 1 (6). Section 4 (a) suggests dependence of drug treatment be allowed at present centers. It is not unusual that family members are as sick as the patient. The bill itself eliminates funding for Galen. The earmarked budget is $1,441,-831 for FY 1980 and $1,244,199 for FY 1981. Doesn't believe there is money in the general fund for treatment of alcohol program at Galen. Also excludes funding that would go to the department of justice DWI program.

Opponents -

Dr. Robert L. VanHorne, Alcohol Advisory Council to Department of Institutions, Missoula, suggests HB 844 be amended. He is chairman of the advisory council. HB 844 eliminates funding for alcohol treatment. Has been concerned about getting treatment to the local level. There is obviously a great deal of difficulty in distributing money that is approved by everybody. You simply establish small and more local programs. Personally would not disapprove money going to the county - would hope that these monies are spent for treatment.

Dan Mizner, Montana League of Cities and Towns, Helena, opposes HB 844 only in part - supports the bill for local government distribution. Originally the liquor tax and beer money generated went to the cities and towns. There was no concern of that money going to an alcohol treatment program and all of the dollars were used for the enforcement of the laws at the local level. In 1977, some new money came into the picture earmarked for alcohol treatment. It was a slight increase to the cities and towns - did not have an earmark on it for the treatment, but was for the city police. The distribution of the money going to the alcohol treatment was all going to the cities and towns. Hope that all of these bills will be put into a subcommittee. If you want the cities and towns to use the increased money if it were earmarked for drug treatment, they would object vigorously - would be like saying money going for police work were to be used for something else. Some of the other mandates are saying you must do this and you must pay for them.

The customary program in Whitehall has increased. West Yellowstone police department costs were $85,014 - costs have all increased. Costs generated by alcohol have greatly increased costs of police departments of cities and towns. This bill takes away $33 per $1,000 and would force cities and towns to go to a property tax. Page 16, lines 12-15, distribution of dollars would be allocated to the cities and towns of the county. Thinks it would be alright to say the money could be used for alcoholic programs, but not remove any money from the police force. If you take money away from cities and towns, you automatically raise property taxes.

Distribution of liquor taxes last year - 31 of those cities and towns listed that are not incorporated cities and towns and do not participate in the pot of any going to the cities. They participate in that portion of money going to the counties.

See attached witness sheets for other opponents of these bills heard today.

Dave Goss, City of Billings, recognizes problems with programs. They receive in Billings $316,000 which goes to law enforcement. Approximately 350 establishments in Billings. Police are responsible for those at parties also. He feels law enforcement is a very integral part of alcohol programs. Supports improved alcohol rehabilitation programs. See testimony attached.

Jim Irvin, Director of Custer County Alcohol Program and Commissioners, Miles City, is very much opposed to this bill. Don't feel they can continue their program under this bill.

Mary P. Wright, Cascade County Comm. Office, Great Falls, opposes HB 844 saying 10 mills out of the 25 mills goes to law enforcement. No alcohol tax money goes to police enforcement. Inasmuch as counties have the responsibility to protect these people, should receive some tax money for that purpose.

Harry Knowlton, Program Director of the Glasgow Dependency Center, believes it was the legislative intent to have an inpatient treatment facility in eastern Montana. This bill allows no mechanism for funding of the treatment center in Glasgow and would force closure. Opposed to the bill as it is written.

Doug Austin, Tri-County Alcohol and Drug, Baker, opposes HB 844 - under definitions it means there would not be county programs. Would be under a state agency which is the alcohol division for alcohol and drugs. Wants the family part put back into the bill. Recommends do not pass.

Harry Farr opposes the emphasis on detoxification centers.

Dick Baumgardner, Director of Alcohol Program in Great Falls, says the intent of the bill is not as it is written on page 12, lines 16-19, which places the family in a secondary position and stresses detoxification services for the treatment and rehabilitation of alcoholics.

Charles Bicsak, Bicsak Ambulance Service, Great Falls, said he doesn't get paid for most of their services on calls for alcoholics and drug addicts. They average 3,000 runs per year and about 50% is alcohol related. The percentages in 74 were 45% and in 78-79, it is now 73%. They answer these calls and the only help they get is from the county - don't get a cent from the city.

Rep. Meyer closed saying amendments will cover problems mentioned.

Questions from the committee -

Rep. Dozier asked who does all this "approving"? He was told the alcohol division of the state.

EXECUTIVE SESSION

Rep. Fagg moved the date on HB 768 be changed from December 31, 1978, to December 31, 1977. Unanimously adopted. Reps. Robbins and Huennekens were absent.

Meeting adjourned at 11:45 a.m.

REP. E. N. DASSINGER, Acting Chairman

By Herb Huennekens
REP. HERB HUENNEKENS, Chairman

Jo Kelly

March 21, 1979

The Taxation subcommittee on House Bills 724,725,844, and 858 met at 11:30 a.m. with the following members present:

Representative Hershel Robbins
Representative Les J. Hirsch
Representative Arlyne Reichert
✓Senator Robert Severtsen
Representative Ken Nordtvedt

The committee began discussing the bills they were to make decisions on. After passing a few ideas and suggestions around the committee, it was decided that they would need more time to go through these bills more thoroughly before they could make any motions.

Chairman Robbins stated that this would be a good idea, but reminded the committee members that they have a deadline on the evening of March 24; they would have to make their final decisions on these bills before that date.

Chairman Robbins adjourned the meeting at 12:15 p.m. for a later date not yet decided.

Hershel L. Robbins

HERSHEL ROBBINS, CHAIRMAN

jmg

60-E
3/24/79

HOUSE TAXATION COMMITTEE

46th Legislature

Rep. Herb Huennekens, Chairman, called the committee to order at 4:20 p.m., March 24, 1979, in room 434, Capitol Building, Helena. Reps. Fabrega, Underdal, Fagg were absent. All others were present. Randy McDonald was present.

This was an executive session.

HOUSE BILL 844 - Without a county plan the state would cut off any state money. Counties have to get together and submit a plan and have the approval of the Department of Institutions. There are 38 total programs including six county ones, 32 private organizations. Rep. Johnson asked how this fits in with the money from law enforcement. They are taking a little bit of decrease - will reduce them back to the 30%.

Rep. Robbins recommended HB 844 DO PASS. He moved adoption of amendments. There were no Noes. Rep. Sivertsen moved to amend Randy's amendments by reinserting subsection 8, page 8, reinsert stricken material on lines 3-5. There were no Noes. Rep. Robbins moved on page 7, line 19, "efficiency" should be "expansion". Reps. Burnett, Reichert voted Yes - all others voted No. Motion to amend failed.

Rep. Robbins moved amendment be adopted according to proposed amendment by Rep. Sivertsen that the counties be allowed 30%. Rep. Sivertsen said if there is no type of amendment that allows counties to use for these purposes, they will have no money. At the present time it is $179,000-180,000. 5% is to give counties the same amount of money they receive now. 5% would leave the status quo to the counties as under present time. Rep. Hirsch said the present bill would give counties no money.

Rep. Dozier made a substitute motion after "this money" be stricken. There were no Noes - motion was adopted. The counties get 30% instead of 33%. Took away from the state 10%. Rep. Sivertsen said gave department power to fund a facility. Will put a plan together for whole state.

Rep. Robbins motion was changed to HB 844 DO PASS AS AMENDED, and adopted with no Noes.

Rep. Dassinger, chairman of the subcommittee said they recommend tabling HB 400, want to go with Yardley's bill HB 509, table Nordtvedt's HB 744, amend SB 200, and tabling HB 275.

HOUSE BILL 509 - Rep. Dassinger moved that HB 509 DO PASS. Rep. Sivertsen moved that amendments be adopted - 100% of market value be used. Motion to adopt succeeded with no Noes. HB 509 DO PASS AS AMENDED motion was adopted with no Noes.

HOUSE BILL 400 and HOUSE BILL 744 - Rep. Dassinger moved these two bills BE TABLED. Motion was adopted with Rep. Nordtvedt voting No.

Meeting adjourned at 5:00 p.m.

Herb Huennekens

REP. HERB HUENNEKENS, Chairman

Joann L. Bay

Joann L. Bay, Secretary

HOUSE TAXATION COMMITTEE

46th Legislature

Rep. E.N.Dassinger, Vice-chairman, called the committee to order at 8:30 a.m., March 26, 1979, in room 434, Capitol Building, Helena. Reps. Fabrega, Fagg, Vinger and Williams were absent. Randy McDonald, Staff Attorney was present.

This was an executive session.

HOUSE BILL 321 - Rep. Dassinger explained HB 321 would change exemptions into tax credits. $44 as a tax credit would make for a zero impact. Everybody would have the same dollar amount of return, whereas with an exemption the person with a bracket return gets more. Rep. Nordtvedt said the philosophy is to take off so much income as is needed for support before arriving at taxable income. Dependents ought to be a credit rather than a deduction.

Rep. Burnett moved that HB 321 DO NOT PASS. Rep. Dassinger voted No. Reps. Fabrega, Fagg, Robbins, Dozier, Harrington, Vinger, Williams were absent. Motion succeeded - DO NOT PASS.

HOUSE BILL 501 - Rep. Sivertsen reported the subcommittee recommended HB 501 DO NOT PASS. HB 501 was to do away with the surtax but not lower the tax itself. It would convert the surtax in with the taxation with the regular brackets except that the way 501 was designed part of the surtax was added into the existing brackets, part of it was added into the bill by adding more brackets and taxing more people at a higher rate. The bill raises the taxation on over $30,000 up to 18%. Our present highest rate is 11% with a 10% surtax. Motion that HB 501 DO NOT PASS was adopted. Rep. Dassinger voted No. Reps. Fagg, Fabrega, Robbins, (Rep. Williams came in) Dozier were absent.

Rep. Huennekens took over as chairman. Rep. Vinger came in.

HOUSE BILL 151 - Rep. Dassinger moved HB 151 BE TABLED because it has a big fiscal impact. This is a straight repealer of the surtax. Motion was adopted with Reps. Underdal, Burnett, Nordtvedt voting No. Harrington was absent.

HOUSE BILL 221 - HB 221 has a $2.5 million impact. Provides for a standard deduction equal to 10% of adjusted gross income up to $500 single, $1,000 married. Amends to 15% deduction up to $1,000 single and $2,000 married filing jointly. Rep. Sivertsen said with the standard deduction, exemption, homestead relief and renter relief act and a compromise bill out of the senate taxation committee would provide $25 million in tax relief. The exemption bill for $900 to begin this year that is another $27 million for a total of about $53-$54 million in tax relief.

Rep. Dassinger moved HB 221 DO PASS, saying he thinks most of these bills are going to end up in a conference committee and can better be made at the end of the session rather than now. Rep. Huennekens said if the senate accepts, there will be no conference committee. Rep. Dassinger doesn't think a complete decision should be made at this time. Rep. Sivertsen said he thinks the taxation committee has worked very hard and that this committee should at least maybe recommend to the full House. Thinks we should make a pretty decisive package. Rep. Huennekens agrees that a pretty decisive package should be passed. Rep. Huennekens recommends passing House bills, and if the Senate kills them, can go into special session.

Rep. Sivertsen asked what base period is being used. Randy McDonald, staff attorney, said these amendments are the same with the extra amendment that the governor can implement procedure to put the extra tax into effect.

Rep. Robbins moved HB 64 DO PASS AS AMENDED. Roll call vote showed 8-8 tie vote. Reps. Fagg, Fabrega, Harrington were absent. Would leave committee with no recommendation.

HOUSE BILL 512 - Rep. Dassinger moved HB 512 DO PASS. He then moved amendment on page 2, line 16 be adopted. Amendments were adopted with no Noes. He moved an amendment on page 3, line 12. This amendment was adopted with Reps. Nordtvedt, Bertelsen and Underdal voting No. Reps. Burnett, Fagg, Fabrega, Harrington were absent. Rep. Huennekens mentioned there seems to be no procedural way of limiting growth of government at the moment.

Motion of DO PASS HB 512 was adopted with Rep. Vinger voting No.

HOUSE BILL 844 - Rep. Dozier moved that the Statement of Intent on HB 844 be adopted. There were no Noes.

Meeting adjourned at 11:00 a.m.

Hank Huennekens
REP. HERB HUENNEKENS, Chairman

Jo Lahti
Josephine Lahti, Secretary

46th LEGISLATIVE SESSION

COMMITTEE ON Finance and Claims

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
723	3/27	4/6,9	4/9						4/9
807	3/27	4/5,7	4/7				4/7		
811	3/23	4/3	4/3				4/3		
824	4/19	4/19	4/19				4/19		
841	3/28	4/6,13	4/13					4/13	
844	3/28	4/6	4/17					4/17	
849	3/28	4/6,10	4/10						4/10
859	2/27	Select Committee on the Pay Plan							
868	3/28	4/4,9	4/9						4/9
874	3/9	3/19,20	3/20				3/20		
890	3/28	4/5,10	4/10				4/10		
891	4/11	4/12,13	4/13					4/13	
894	3/28	4/5,11	4/11					4/11	
895	3/28	4/5,7	4/7					4/7	
896	3/28	4/4,7	4/7					4/7	
897	3/28	4/5,7	4/7				4/7		

Use a separate sheet for Senate, House Bills, and Resolutions.

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

April 6, 1979

The thirty-third meeting of the Senate Finance and Claims Committee met in Room 108 of the State Capitol on the above date. Following roll call, the meeting was called to order by Senator Himsl, Chairman, at 1:10 p.m.

ROLL CALL: All members present except Senator Thiessen.

CONSIDERATION OF HOUSE BILL 125: Rep. Reichert said this bill offered property tax relief. This is a revenue sharing bill, and the counties would get the share.

Dan Mizner, Executive Director Montana League of Cities and Towns, said that under the ACAI report, many of the states have already looked at the mandated costs being imposed upon the local governments, and will try to do something to offset it. They have mandated salaries, etc. that make the expense go up to the local governments. You are allocating money to build state buildings, and that will cost the local governments more for fire and police protection - it increases the costs. Under the reassessment they have gone through 65 cities and towns lowered the taxable valuation because of legislative action. Choteau 75-76 taxable valuation was $1,700,000 plus; 1978, $1,627,000; 1979, $1,568,000 and now down to $1,400,000. You have created problems by legislative action, then by appraisal reduced the dollars. House Bill 125 gives a method of transferring funds to effectively take care of the mandates.

Marie Macalear, Twin Bridges, said when you study the budget of a small community you can see the problems. They get $11,000. The state tells them how to work some of the programs. To live up to state regulations they have to spend $13,000. That is $2,000 out of their local budget. One mill is $364 in Twin Bridges and they are taxing at the 65 mill limit. Out of this must come the new water tank and the library books, etc. In a small town what do you take out? One law enforcement officer, one librarian, the library books, one city clerk, one city crew man - that's all we have. If we continue to get mandated programs, do we cut the entire police force or the entire library force or what? State revenue sharing would help us to solve some of our problems.

Ed Seding, Mayor of Bozeman, said these funds would be helpful in trying to maintain the costs. He considered it to be a refund. The refund program seems to be a very acceptable one. The sharing seems to be one we looked at from a very different point of view. The result is it originated in our locality and would have done the work there if not forwarded to other areas.

There were no further proponents, no opponents, and questions from the committee follow.

There were no further proponents, no opponents, and the following are questions from the committee members:

Senator Story: I would address this question to Mr. Doney. Why was this not a part of the regular request. Mr. Doney: The report we gave you in January did not get finished until January of this year. We did not know how much money we would need or how much for further economic needs. The next time we will have it put together ahead of the budget.

Senator Aklestad: Aren't you afraid of erosion if you start mining in the bottom of this? Mr. Doney: Yes. It is discussed to some extent in the report. It is something we will have to look at very closely.

Senator Aklestad: How much? Mr. Doney: Industry uses at $1 per acre foot and irrigation at $2 or $3 per acre foot.

Senator Boylan: Can't we just amend the bill and put the money into the High Dam and go rather than make more studies? Mr. Doney: I have talked to several legislators that have expressed the same view. We don't know for sure. Before we spend $100 million on a new dam we should try to see if it is the right thing before we spend the money. Downstream costs more, upstream we have to buy out some of the coal lands.

Senator Himsl: I understand some of the funds were (you tell us in some other cases 5%) seed money that generates a lot of other money. If $250,000 had this magic power why shouldn't it be used to trigger the sources? Mr. Doney: We are talking about studies here. If we are talking about construction, then you are correct. There are more federal funds available for construction. Mr. Bondy elaborated on this.

Senator Story: How high is the proposed dam downstream? Answer: 130. Raising the present dam is 40 feet higher. Earth dam with a concrete spillway.

Senator Smith: It might be 5 or 6 years before the study is done and maybe $1 million worth of work done on it.

Mr. Bondy: The next step for building the project is paper plans and specifications. The cost is $1 million.

Senator Smith: How much to repair the present spillway? Answer: A new spillway is $30 million.

Rep. Dassinger: There is over $1 million in the state equalization fund. Taking from the economy of Rosebud County takes directly from the state, and there is a possibility of getting some of the money from the Cheyenne tribe. They are interested in helping us.

The hearing on H.B. 841 was closed.

CONSIDERATION OF HOUSE BILL 844: Rep. Meyer, sponsor of the bill explained it. He said that H.B. 627 last session was the mechanism to treat alcoholism in the state of Montana. He said it was a 70-30

spread to the counties and this bill would tighten up the law so that there is not any duplication.

Rep. Fabrega said he supported the 5% state tax, but it is getting away from us. He gave the committee some amendments to change the bill from last session to make it work correctly. The legislature made a direct appropriation of funds to the program in Glasgow. The purpose of the tax was that the funds would be left in the area in which they were collected.

Senator Himsl: Can you walk us through the bill - what has been done differently from the original?

Rep. Meyer: Page 1, line 15-20 redefines what an alcoholic means. On page 2 at the top of the page we added a non-profit or local government agency. Page 6, line 11 we earmarked funds for the prevention and treatment of alcoholics. We changed the distribution.

Senator Regan: Page 4, section 3. To state approved programs whose sole function is the treatment of alcoholics - this means a mental health service may not qualify then?

Rep. Meyer: We felt from 20 programs - applications in for 46 more programs. Somewhere along the road we have to start limiting this. This will let the counties go together.

Senator Smith: On page 2, line 8, we go into approved treatment under the control of the department. You are eliminating the state from having private contracts in the alcoholic program.

Rep. Meyer: Page 7, lines 22-25 plan for the greatest utilization of funds; encouraging programs, etc. On page 10, line 5 provides on-going training on approved programs. On page 16 - funding. Basically it says - and I have some amendments - that once the tax has been collected the Galen funds would be coming out of there and also Glasgow. The balance is sent to the cities and counties - 30% to the cities and 70% to the counties. Page 19, line 6, the county may retain up to 5% of the monies for programs. They have to submit a plan which would be a county wide plan and they could use some of the money for that.

Senator Himsl: The money would go to the county which has the approved plan. They will contract services and they can continue to run that program and the distribution to the counties is in regard to the population and land mass. Basically it will take 3 1/3 away from the cities. The cities presently get 33 1/3 and now they will get 30%. Overall most of the programs in the state will be getting just a little less money than before because we have more programs in operation.

Dick Larson, City Administrator, Billings, said the city of Billings supports the bill in its basic intent. It is needed throughout the state. Alcohol and beer tax funds are needed to police aspects of alcoholism. We urge support of this bill without further erosion of funds to the local governments. We recognize the functions localizing the program in the best manner.

Ralph Gildroy, Montana Health System Agency, said they had gone into the bill and the people he had calls from were concerned that the sole function would be to cut them out of the program. I would like to have that avenue left in the program. He gave out some amendment proposals, attached.

Mona Sumner spoke in favor of the bill, her testimony is attached.

Kent Farr, Director and Counselor in a rural county at Roundup said they had tried to divide the money across the state and get it out of Helena and into the rural areas. They had to use some sort of formula and settled on the 85-15 formula. This does not protect the smaller rural programs. Back in section 12, page 22 is the plan to set aside $100,000 to guarantee the smaller rural programs will be able to survive and change over to this funding. He said his feeling was that rural programs would get left out. They need specific help. We do not have the population to bring in the money, but they do have the problems. They have the alcoholics and they have the programs. If this bill should go into a conference committee, he would urge them to keep this in mind. He said those in the smaller programs do not have the time nor the money to keep coming back to Helena to see that the rural areas do get the money.

Larry Zanto, Director, Department of Institutions, said they appear in very strong support of the legislation. We felt we needed help in the problem from the last session bill. These problems have been very real. Essentially, it takes the money from the Department of Institutions and gives it to the counties for distribution. They come to us with a plan and then they run their own programs. I think it would be a much better program and I am very much in favor of it. The amendments I have handed out allows the department of revenue to put it into the counties' hands rather than to unnecessarily go through us.

Dick Baumberger: He gave his support to the bill and to the amendments worked out by Rep. Meyer and the Department of Institutions.

Darrel Bauer, Billings Chamber of Commerce, gave his support to the bill.

Yvonne Silva gave her support to the bill and the amendments proposed by the Department of Institutions and by Rep. Fabrega. She said she was once a provider of alcohol service in Cascade County, then came to work for the state. She had been employed by the alcohol plan when working with the Board of Health. We need to take a look at the county based alcohol funded center in the state. Less than 10% receive services through a center like a hospital. I would like to have the committee consider even stronger language. I think it should consider a moratorium on any services and quit worrying about any more.

David Cunningham: Supported the bill, testimony attached. He also supports the auditor's comments.

Randy McDonald: He said he has a technical problem with the bill. Page 1 and 2 - changes in the definitions corresponds to other areas and should be changed. He presented some amendments from the Legislative Council which would do this. Attached.

Marsha Stagmiller, representing the Alcoholism Programs and the Commissioners Program said it provides for comprehensive planning to offer continuing care to the alcoholic where it says necessary to group and incorporate their services. I support the bill and also the amendments.

Beverly Gibson, testimony attached, said in the present bill the 5% allocated other counties - general fund - it is not clear whether the funds are allocated before the money goes to the state approved programs or after and then the remainder goes to the counties.

There were no further proponents.

Senator Hafferman, District 11, Lincoln County said in 1978 they received 88,413. This $33,279 they will receive and they have 1/10 of the population. They are now serving 6% of those served under the alcohol program. They had the support of the business community, the ministerial association, and the people. They say if you don't like a bill amend it to take care of it. He read and presented a letter to the committee. He gave figures and what would result in the funding in the area. He said with 10% staying at the state level, the bill will reinforce problems in areas like Lincoln County. As it is it will do no damage. There has to be some flexibility in funding incorporated in this bill. This bill is destroying one of the best alcohol programs in the state.

Senator Story: What is the relation of the Galen program to House Bill 844? Mr. Zanto: It allows for the appropriation committee to appropriate money to certain programs. The appropriation program in this bill operates the Galen Program and the Glasgow program. Those appropriations are recognized before the distribution of the remaining money are made to the counties.

Senator Story: Will this hurt the Galen program? Mr. Zanto: No.

Senator Himsl: Do I understand you to say that Galen and Glasgow get a formulated amount of money and what is left goes to the counties? Mr. Zanto: Yes. 30% goes to the cities and the remaining 70% of the appropriations are made on an 85-15 basis. Some programs will be helped and some will be hurt.

Senator Smith: On page 11, line 22, the Department shall: all of the cost of programs and paper work is in the paper pushing. This provision for forms for state wide participation. The plan and coverage will provide for service, etc., all through the whole program. What is it going to cost to take care of this program? Will you have to beef up the staff, etc.?

Mr. Zanto: We don't think so. We will have sounder people in the division than we have had in the past 2 years. Much of the training - we are the only one with the people who have the training ability now. The appropriation is in 483 and we have not asked for more.

Senator Aklestad: How many community treatment centers are there? Answer: 39.

Senator Aklestad: Like under Hillcock? Answer: One of them.

Senator Aklestad: What was the cost under the old law? Answer: Under the old law it was 33 1/3%. Now it goes back to 30%.

Senator Aklestad: Was it discussed that the towns and cities spend their money on the alcohol programs and the other didn't? Mr. Zanto: Cities have always had a broad way of spending their money. Counties are for specific programs. The new bill would remain about the same. The cities use part of it for law enforcement.

Senator Regan: Under the proposed law, the language - revenue generated whose sole function is alcoholism - would it preclude your department from granting any money to existing mental health programs?

Senator Boylan: Is there any check made on the recidivism rate on these people? A lot of money comes from taxing this kind of drinking. There is a lot of people being employed. How much checking has been done to see how many of these people they are rerouting through the centers. Are there any records kept of this?

Mr. Zanto: They are trying to do a good job. I am not sure how much the recidivism rate is - sometimes a person recidivises 3 or 4 times - sometimes 5 or 6 times and then finally dries out. At Glasgow the recidivism rate is over 60%.

Senator Fasbender: Under this formula - once the state takes out its amount you then allocate the money back to the counties. Are the counties going to come back and say we have the program going and we have to put in the money? Mr. Zanto: I don't think so. We don't give them the money until we have approved the plan. This bill says we have to look pretty hard at the plan.

Senator Fasbender: If they don't get approved they don't get the money? Answer. Then it stays in the earmarked fund. At any time the Department of Revenue could take any money in the earmarked revenue fund and distribute it to the counties. Several things could happen to give an earmarked balance at the end of the year.

Senator Fasbender: They do not feel the 85-15% is a mandate? The money would just stay in there? Mr. Zanto: The bill says it will be distributed by the department of Revenue when the county gets an approved plan. We have no control over how much goes to the counties.

Senator Fasbender: You no longer have any control over the money that they can receive from these programs? Mr. Zanto: Just the limit of the funds coming in.

Senator Himsl: The counties would still have control. They could only contract with an approved program. Mr. Zanto: We have already approved more than one program in some counties.

Senator Smith: What happens to the counties that have no program? Mr. Zanto: Some of the smaller counties can go together under a multi-county area.

The hearing was closed on House Bill 844.

ROLL CALL

SENATE FINANCE AND CLAIMS COMMITTEE

46TH LEGISLATIVE SESSION 1979 Date 1-6

PM

NAME	PRESENT	ABSENT	EXCUSED
SENATOR HIMSL	✓		
SENATOR STORY	✓		
SENATOR AKLESTAD	✓		
SENATOR LOCKREM	✓		
SENATOR ETCHART	✓		
SENATOR NELSON	✓		
SENATOR SMITH	✓		
SENATOR BOYLAN	✓		
SENATOR REGAN	✓		
SENATOR FASBENDER	✓		
SENATOR THIESSEN			✓
SENATOR THOMAS	✓		
SENATOR STIMATZ	✓		

Billings Area
CHAMBER OF COMMERCE

TO: Members of the Senate Finance & Claims Committee
FROM: Billings Chamber of Commerce
RE: Support of HB 844

The Billings Chamber of Commerce wishes to go on record in support of HB 844 and we urge your support and consideration of this bill for several important reasons.

With the ever-growing scarcity of dollar resources, the available funds must get to the people who need the services -- they are in our community and their care and treatment must be available in the community. Rimrock Foundation has been providing this care and treatment for eleven years to our expanding population. This fiscal year, the Alcohol and Drug Abuse Division expended more money on administration ($560,000) than Rimrock Foundation's total annual budget.

HB 844 provides assurance that excessive administrative expenses will be curtailed and available funds will be equitably allocated to community-based alcoholism treatment programs.

The bill contains other equally important measures that assure a maximum return on our human service tax dollars.

Thank you,

John Irelan, Executive Vice President
Billings Area Chamber of Commerce

TO: Members of the Senate Finance & Claims Committee
FROM: United Way of Yellowstone County
RE: Support of HB 844

We have been gravely concerned with the treatment one of our most important agencies has received from the State Alcohol and Drug Abuse Division throughout this fiscal year. Our repeated requests of the Division for information regarding why Rimrock Foundation does not receive State earmarked alcohol tax funds have gone unanswered.

Yellowstone County generates $460,000 of these funds and contains 90% of the population of region III. We have funded the Foundation since its beginning in 1968 because we know the magnitude of alcohol and drug problems and we believe in the need for community alcoholism treatment programs.

We urge your support of HB 844 in the interest of continued community-based treatment for this serious health problem.

Maury Enright Exec Dir

HB 844
Beverl[illegible], Montana Association of Counties

We support the concept of HB 844 because it has the framework for a well-administered alcohol treatment program. However, we are concerned that counties may end up running existing programs with less money than formerly allocated for the purpose, and we wish to point out -- again -- the inequitable distribution of beer and liquor tax revenues.

In 1977-78, the state received $1.8 million from the beer tax, and cities received $2.4 million from beer and liquor, right off the top, for their general funds. Counties received $193,000 for their general funds, out of their share of the alcohol funds (not beer.) The remaining revenues go to alcohol treatment programs.

We wish to raise the following questions: Why not put all beer and liquor taxes together in one earmarked revenue fund; why not appropriate the necessary money for all alcohol treatment programs right off the top; and <u>then</u> divide the remainder equally among state and local governments?

On a smaller scale, and addressing the revenues and funding in HB 844, may we suggest that the liquor license tax, and the $1 beer tax be combined <u>before</u> any distribution of funds; and that the $100,000 for grants and the $1.7 million for state programs be deducted at that point; and <u>then</u> the distribution be made 30% to cities and 70% to counties...with the counties' 70% being divided 60% to alcohol treatment programs, and 10% to their general fund. This represents a small loss to cities, but cities do receive another $1.1 million from the beer tax.

I do want to point out, that in the present bill, the 5% allocated to the counties general fund is not clear whether the funds are allocated before or after the appropriation to Galen, etc. Section 3 first allows the legislature to appropriate money to fund alcohol programs--<u>then</u> it distributes the remainder to the counties. If your intent is to allow counties a comparable amount of money for their general fund as in the past, the 5% will have to be allocated before the legislative appropriation. (Pages 18 and 19.) 3rd Reading copy.

Thank you for allowing me to comment.

Proposed Technical Amendment to HB 844

1. Page 1, line 25.
Following: "private"
Insert: "private"

2. Page 2, line 1.
Following: "nonprofit"
Strike: "OR LOCAL GOVERNMENT"

3. Page 2, line 6
Following: "means"
Insert: ": (a)"

4. Page 2
Following: line 10
Insert: "; or

(b) a treatment agency operating under the direction and control of a local government and approved under 53-24-208."

TESTIMONY IN SUPPORT OF HB844

BY

David W. Cunningham, MHA
Executive Director
Rimrock Foundation
923 North 29th Street
Billings, Montana
248-3175

The December, 1978 Legislative Audit of the Alcohol and Drug Abuse Division supports the need for HB844.

THE AUDITORS SAY:

DUPLICATION:

"If the Division is to perform its mandated responsibility to encourage and promote effective use of facilities, resources and funds in planning and conducting alcohol programs, DUPLICATION OF SERVICES SHOULD BE AVOIDED."

NEED:

"Needs assessments were not completed in fiscal year 1977-78, prior to the allocation of funding."

"The allocation of ADAD discretionary monies for fiscal year 1977-78, to alcoholism programs was based on staff recommendations", (without conducting a needs assessment). "The Division had not established criteria for the funding of approved alcoholism treatment programs", (prior to allocating the funds).

ALLOCATION FORMULA:

"In May of 1978, Touch Ross Company issued an evaluation report on the management methods of the Division. The report stated the Division had no published criteria for the allocation of alcoholism treatment funds."

ADAD MANAGEMENT:

"Based on our analysis, communication problems between the Division and the individual alcoholism treatment providers are significant."

"The Department of Institutions paid miscellaneous travel expenses without proper receipts."

"In seven instances we could not determine whether payments had been made to a number of providers (programs) when we reviewed files. Files contained support for these payments, but no documentation could be found showing payments were made."

"State plans are not completed on a timely basis for use by local providers."

DUPLICATION OF SERVICES:

"For example, in these cities there was more than one approved alcoholism program providing outpatient services.

HB844 answers the Legislative Auditor's Report!

Thank you.

Amendments to HB 844

1. Page 13, line 1.
Following: "services"
Strike: "for the purpose of determining"

2. Page 13, line 1.
Following: "services"
Insert: "."

3. Page 13, line 2.
Strike: line 2 in its entirety

4. Page 13, lines 3 through 6.
Strike: lines 3 through 6 in their entirety.
Insert: "(3) The following order of priorities for program services shall be followed:
(a) treatment and rehabilitation of alcoholics;
(b) detoxification services;
(c) services for family members."

5. Page 18, line 14.
Following: "SUPPORT"
Insert: "state operated"

Judith Basin County

Weed Control District

Court House

Stanford, Montana

April 5, 1979

Gentlemen:

We, the people of Montana, are in trouble. Leafy Spurge is a weed that is taking over Montana and cannot be controlled by chemicals. It is in our pasture lands, crop lands, forests and is also invading our cities.

The State of Wyoming allocated 1.4 million dollars in the 1977 legislature for the chemical eradication of leafy spurge.

We hope we don't have to follow suit but if things keep going like they are, our costs will be worse than those of Wyoming.

Our farmers and ranchers are already spending thousands upon thousands of dollars trying to control leafy spurge, but it is to no avail. It is estimated that they are already spending over a million dollars a year.

House Bill 410 provides for a more permanent solution to leafy spurge eradication.

Biological control of leafy spurge will give us a means of control that could be self-supporting in time and greatly reduce the number of dollars spent on weed control.

Thank you for your cooperation.

Sincerely,

Wm. Reilly

Wm Reilly
Weed Supervisor
Judith Basin County

WR/jmp

~20,000 acres in B. Co.
35,000 " " Hagen Co

Montana Health Systems Agency, Inc.
324 Fuller Avenue
Helena, Montana 59601
(406) 443-5965

Ralph Gildroy
Executive Direct

April 4, 1979

TO: Senator Matt Himsl, Chairman
Senate Finance and Claims Committee

FROM: Ralph Gildroy, Executive Director Ralph Gildroy

RE: H.B. No. 844, An Act to Generally Revise the Laws Relating to Alcoholism Treatment Programs and the Distribution of Revenues from the Liquor License Tax Proceeds

1. Page 2, lines 2 - 4
(whose sole function is the treatment, rehabilitation, and prevention of alcoholism and drug dependence) change to read - "(one of whose functions is the treatment, rehabilitation, and...)"

Page 4, lines 13 - 14, to state approved programs whose sole function is, change to read - "to state approved programs one of whose functions is..."

The words "sole function" constitute a delimiting which is inconsistent with the Comprehensive Plan for Alcoholism and Drug Abuse Prevention, Treatment and Rehabilitation - FY 1979, page 79, Montana Health Systems Plan 1979 Alcoholism Component, and a list of potentially affected facilities, references attached.

2. Page 2, line 1, add the word "corporation" after the word nonprofit.

3. Page 4, line 21, replace the word "persons" to read "(b) as grants to non-profit corporations or local government agencies operating state-approved alcoholism programs."

4. Page 5, line 3, replace the word "person" to read, "section, a non-profit corporation or local government agency operating..."

5. Page 5, line 7, replace the word "person" to read, "no non-profit corporation or local government agency receiving..."

6. Page 7, lines 23 - 24, reword as follows:

(a) encourage planning, in conjunction with the Montana Health Systems Agency and the State Health Planning and Development Agency, for the greatest utilization of funds by discouraging unnecessary duplication of services, encouraging...

7. Page 8, lines 3 - 6, reword as follows:

   (b) coordinate the efforts and enlist the assistance of all public and private agencies (including the Montana Health Systems Agency and the State Health Planning and Development Agency), organizations, and individuals interested in treatment and prevention of alcoholism.

8. Page 20, lines 22 - 23, add the word "unnecessarily" to read "the proposed services do not unnecessarily duplicate existing local services."

9. Page 20, line 23, after the sentence ending "services," add the following: "The department shall recognize that specific alcohol grant program categories are subject to specific procedures for reviewing Federal funding applications as outlined in OMB Circular A-95, revised, Sections 1513(e)(1) and (2) of Public Law 93-641, and the Montana Certificate of Need Law. For alcohol grant programs subject to New Institutional Health Services review, the procedures and criteria are in the 1979 Montana Certificate of Need Law.

10. Page 21, line 16, after the sentence ending "standards.", add the following:

    "If a licensed health care facility loses its approval to offer alcoholism services, the facility must receive a certificate of need prior to the reduction of that service."

11. Page 23, line 2, add the word "corporation" to read, "existing non-profit corporation and local government programs..."

RG/gr

COMPREHENSIVE PLAN FOR ALCOHOLISM AND DRUG ABUSE PREVENTION, TREATMENT AND REHABILITATION

FY 1979

B. COORDINATION WITH OTHER AGENCIES

1. Coordination with Mental Health

Service coordination has involved local and regional agreements between community alcohol and drug programs and comprehensive community mental health centers. Agreements with mental health centers have involved reciprocal referral arrangements so that local mental health staff provide psychiatric evaluations of alcohol and/or drug abusing clients and alcohol and/or drug program staff provide diagnosis of mental health client alcohol and drug abuse patterns as well as providing treatment alternatives.

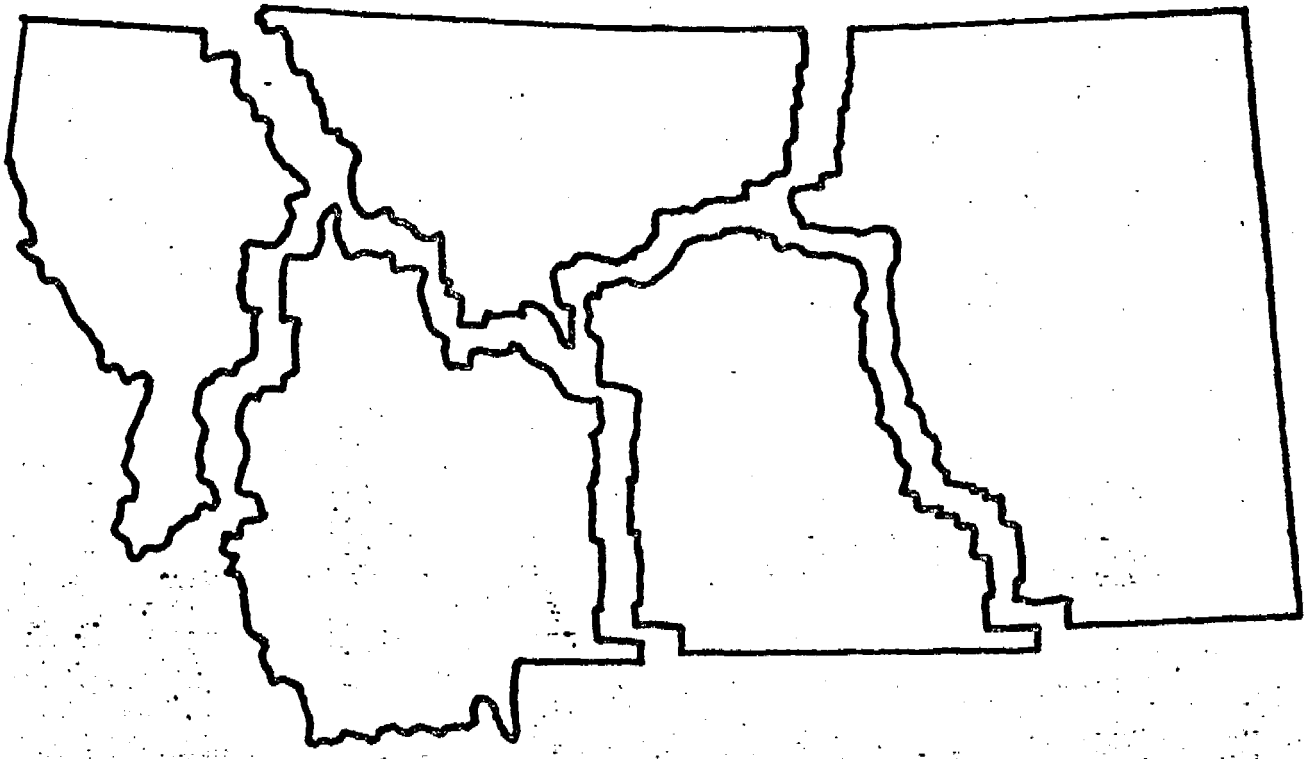
To date, two community mental health centers have been issued "state-approval" for delivery of alcoholism services: Southwestern Montana Mental Health and Alcohol Program in Helena and Southcentral Montana Mental Health Center in Billings.

The Southwest Montana Mental Health and Alcohol Program provides alcoholism services to outlying communities in several counties throughout Region IV utilizing satellite centers.

Southcentral Montana Mental Health Center also provides alcoholism services through satellite centers in Region III. In January, 1978 the ADAD contracted with the Center to administer the newly established Big Horn County Indian Alcohol Program in Hardin, Montana.

Administrators of the Alcohol and Drug Abuse Division and the Mental Health and Residential Services Division meet frequently to insure that a coordinated effort in planning for community based service delivery is an on-going process between the Divisions' staff. An example of this coordinated effort is in

Montana
Health Systems Plan
1979



Montana Health Systems Agency, Inc.

Table 1

Five Year Crude Mortality Rates in Montana from Cirrhosis of the Liver and Motor Vehicle Accidents (1972-1976).

Subarea and County	Crude Death Rate for Cirrhosis of the Liver (1972-1976)	Crude Death Rate for Motor Vehicle Accidents (1972-1976)
Northwestern		
Lincoln	1.2	35.3
Flathead	9.8	35.9
Sanders	18.0	79.9
Lake	10.9	81.2
Mineral	5.8	29.2
Ravalli	1.1	50.0
Missoula	6.9	32.4
North Central		
Glacier	42.7	96.1
Toole	18.2	61.8
Pondera	11.4	48.4
Teton	15.6	24.9
Cascade	13.1	29.9
Chouteau	6.4	48.2
Hill	12.3	34.8
Blaine	5.8	72.3
Liberty	16.3	56.9
Southwestern		
Beaverhead	22.0	56.1
Madison	7.2	53.8
Gallatin	6.6	27.3
Lewis and Clark	14.9	34.2
Broadwater	7.2	64.7
Jefferson	20.6	32.4
Meagher	18.3	91.7
Silver Bow	27.0	45.4
Deer Lodge	17.0	35.2
Powell	14.0	41.9
Granite	15.0	45.1
Park	11.6	48.3
South Central		
Fergus	1.6	34.3
Petroleum	30.3	90.9
Judith Basin	0.0	45.1
Wheatland	24.8	33.1
Golden Valley	0.0	85.1
Musselshell	4.8	67.3
Sweet Grass	19.4	45.2
Stillwater	0.0	39.2
Carbon	12.8	35.7
Big Horn	35.9	87.0
Yellowstone	13.2	33.0
Eastern		
Valley	16.9	35.4
Daniels	12.9	51.6
Sheridan	18.1	50.7
Roosevelt	42.6	89.1
McCone	14.7	66.2
Garfield	0.0	47.1
Richland	10.1	44.5
Dawson	5.5	38.6
Wibaux	0.0	70.4
Rosebud	43.5	79.3
Treasure	0.0	66.7
Powder River	0.0	68.4
Custer	11.6	46.3
Prairie	10.9	43.5
Phillips	11.1	40.7
Fallon	10.3	41.0

SOURCE:
Unpublished data from the Bureau of Records and Statistics.

3.0 Screening and Early Intervention Strategi

At the present time, self-diagnosis or family awareness pear to be the first steps in delivering alcohol services to abuser. Of the persons admitted to alcohol programs tween September, 1977 and February, 1978, 29 percent w self-referral and 8 percent were referrals by the patient's mediate family. Court referrals constituted another la block of people coming in for treatment. They referred percent of all the admissions.

Another prevention and early intervention program sp sored by the Highway Traffic Safety Bureau, Department Community Affairs and the Highway Patrol Bureau, Dep ment of Justice, is the DWI Court Schools. Many pers convicted of driving under the influence of alcohol are quired by the court to attend a course of six sessions - hours a piece - dealing with alcohol education. Most of state approved, off reservation alcohol programs serve the schools. A fee of $50 is charged, and usually the co assesses this as part of the fine.

It has been estimated that about 25 percent of those atte ing the school are referred to an alcohol treatment progra however, not all participate.

4.0 Treatment Programs

ADAD is currently implementing a regional, communi based concept for delivering alcohol treatment servic with satellite counselors providing services to outlyi areas. Figure 3 shows the location of these progra Utilization statistics and general goals have already been dressed in the Alcohol Services Component.

To strengthen the programs and to develop a better financ basis for them, ADAD is working to maximize third-pa payments for alcohol treatment. One strategy is to ame the Insurance Code, through legislative action, to requ alcohol service coverage. A second strategy is to appro programs (annually) in accordance with the state law and certify alcohol counselors. At the present time, ADAD is al encouraging the various programs to become accredited JCAH. The certification program for professionals is n operating on a voluntary basis. ADAD is suggesting that t legislature make it a mandatory program for all counsel in state programs. It is felt that these two certification p grams will reduce the third party paying resistance tow reimbursement for alcohol and drug services.

5.0 Rehabilitation and Aftercare

In order to be approved by ADAD, they must have t followup services. Most aftercare services, however, app to be provided by local Alcoholics Anonymous (AA) a associated programs (Alanon, Alateen). These programs

Facility	Classification	No. of Beds
Alcoholism Receiving Center of Billings Deaconess Hospital, Inc. 923 North 29th Street Billings, Montana 59103 Tel: ~~259-5551~~ 657-4141 Dir: Donald J. Danielson	Alcohol Treatment Facility	15
South Central Montana Regional Mental Health Center 1245 North 29th Street Billings, Montana 59101 Tel: 252-5658 Dir: Bryce G. Hughett, M.D.	Mental Health Outpatient Facility and Mental Health Day Care Center	
Northcentral Montana Community Mental Health Center P. O. Box 2717 1015 First Avenue North Great Falls, Montana 59403 Tel: 761-2100 Dir: Evan S. Crandall	Day Treatment Unit	
Hilltop Recovery Center 1020 Assiniboine Havre, Montana 59501 Tel: 265-9665 Dir: George E. Bowery	Half-way House	15
Southwest Montana Mental Health Center 510 Logan Mailing Add: 215 E. 6th Avenue, Suites 14 & 15 Helena, Montana 59601 Tel: 442-0310 Adm. Dir: C. J. Harrington	Outpatient	
Clarke Street Inn - Transitional Care Unit 2101 Clarke Miles City, Montana 59301 Tel: 232-1856 Dir: Frank L. Lane	Transitional Care Unit	8
Eastern Montana Mental Health Center Executive Building Miles City, Montana 59301 Tel: 232-1687 Dir: Frank L. Lane	Outpatient	
Missoula General Hospital Alcohol Treatment & Rehabilitation Center (Melvin Johnson Center) 300 North Second Avenue Missoula, Montana 59801 Tel: 542-2191 Adm: J. P. Smith	Half-way House	12

Leg. Council EE

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Following: line 10
Insert: "; or

(b) a treatment agency operating under the direction and control of a local government and approved under 53-24-208."

MONTANA COUNCIL ON ALCOHOLISM
AFFILIATE

P. O. Box 632
Phone: (406) 442-5726

National Council on Alcoholism

Helena, Montana 59601

LEGISLATIVE ALERT

APR 12 1979

LEGISLATIVE ALERT

The original fiscal note for HB 844 of 3/7/79 may or may not be accurate. Our questions with the fiscal note revolve around wine impact. The stated assumptions are not now valid in light of HB483, which directs $1,731,036 away from community alcoholism programs. We have to seriously question most of this, particularly the combined Glasgow/Galen figure of $1,533,031.00. The general consensus is that Galen didn't properly utilize prior funds.

Also, it would appear that Department of Institutions intends to severely curtail services at Galen, evidently to the 50% level. Current practice indicates that inpatient treatment beds will be reduced to 30-35 range. Detox would appear to be limited by earlier discharge or reduced acceptance for treatment. It appears that as long-term hospital clients are discharged, the beds involved in this part of the program would not be reinstated. In our opinion the budget is significantly over-stated. We estimate the budget will fall in the $600-700,000 range.

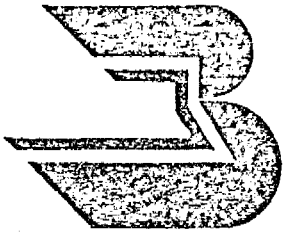
Lacking a more current fiscal note, we must still use the Budget Director's most applicable figures and have done this with our analysis on the following page.

Fiscal Impact (current note)		FY '80	FY '81
	Liquor	$3.769 M	$3.946 M
	Beer	+ 3.405	+ 3.557
	Total	$7.174 M	$7.503 M
Only 25% or $1 of $4 from beer tax		- 2.554 M	- 2.668
HB844 ($.100M to ADAD)		- .100 M	- .100 M
HB 483 page 40, L. 6-17 page 45, L. 23-25		- 1.731 M	- 1.755 M
	Net Available	2.789 M	2.980 M
	Beer Tax	- .851 M	- .899 M
	Liquor Tax	1.938 M	2.081 M

3% of tax or 30% of Revenue
to cities and towns

3.769 M .30	3.946 M .30		
$1.131 M	$1.184 M	- $1.131 M	- $1.184 M
Available to Community Programs - Liquor		.807 M	.897 M
Available to Community Programs - Beer		+ .851 M	+ .889 M
		1.658 M	1.786 M

CHAMBER OF COMMERCE



TO: Members of the Senate Finance & Claims Committee
FROM: Billings Chamber of Commerce
RE: Support of HB 844

The Billings Chamber of Commerce wishes to go on record in support of HB 844 and we urge your support and consideration of this bill for several important reasons.

With the ever-growing scarcity of dollar resources, the available funds must get to the people who need the services -- they are in our community and their care and treatment must be available in the community. Rimrock Foundation has been providing this care and treatment for eleven years to our expanding population. This fiscal year, the Alcohol and Drug Abuse Division expended more money on administration ($560,000) than Rimrock Foundation's total annual budget.

HB 844 provides assurance that excessive administrative expenses will be curtailed and available funds will be equitably allocated to community-based alcoholism treatment programs.

The bill contains other equally important measures that assure a maximum return on our human service tax dollars.

Thank you,

John Irelan, Executive Vice President
Billings Area Chamber of Commerce

P.O. Box 2519 • Billings, Montana 59103 • (406) 245-4111

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FROM: United Way of Yellowstone County
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Yellowstone County generates $460,000 of these funds and contains 90% of the population of region III. We have funded the Foundation since its beginning in 1968 because we know the magnitude of alcohol and drug problems and we believe in the need for community alcoholism treatment programs.

We urge your support of HB 844 in the interest of continued community-based treatment for this serious health problem.

Maury Enright Exec Dir

(5) Provision shall be made for a continuum of coordinated treatment services so that a person who leaves a facility or a form of treatment will have available and utilize other appropriate treatment.

History: En. 69-6217 by Sec. 7, Ch. 302, L. 1974; Sec. 69-6217, R.C.M. 1947; redes. 80-2714 by Sec. 6, Ch. 280, L. 1975; amd. Sec. 4, Ch. 414, L. 1977; R.C.M. 1947, 80-2714.

53-24-210. Departmental reports to legislature. The department shall report to each legislative session on the status of the implemented chapter. This report or any part thereof may be included as the department's state plan for alcohol abuse and alcoholism.

History: En. 69-6225 by Sec. 19, Ch. 302, L. 1974; Sec. 69-6225, R.C.M. 1947; amd. and redes. 80-2722 by Sec. 3, Ch. 280, L. 1975; R.C.M. 1947, 80-2722(part).

Part 3

Treatment of Alcoholics and Intoxicated Persons

53-24-301. Voluntary treatment of alcoholics. (1) An alcoholic may apply directly to an approved public treatment facility for voluntary treatment. If the proposed patient is a minor or an incompetent person, he, a parent, legal guardian, or other legal representative may make the application.

(2) Subject to rules adopted by the department, the administrator of an approved public treatment facility may determine who shall be admitted for treatment. If a person is refused admission to an approved public treatment facility, the administrator, subject to departmental rules, shall refer the person to another approved public treatment facility for treatment if possible and appropriate.

(3) If a patient receiving inpatient care leaves an approved public treatment facility, he shall be encouraged to consent to appropriate outpatient or intermediate treatment. If it appears to the administrator of the treatment facility that the patient is an alcoholic who requires help, the department shall arrange for assistance in obtaining supportive services and residential facilities.

(4) If a patient leaves an approved public treatment facility, with or against the advice of the administrator of the facility, the department shall make reasonable provisions for his transportation to another facility or to his home. If he has no home, he shall be assisted in obtaining shelter. If he is a minor or an incompetent person, the request for discharge from an inpatient facility shall be made by a parent, legal guardian, or other legal representative or by the minor or incompetent if he was the original applicant.

History: En. 69-6218 by Sec. 8, Ch. 302, L. 1974; Sec. 69-6218, R.C.M. 1947; redes. 80-2715 by Sec. 6, Ch. 280, L. 1975; R.C.M. 1947, 80-2715.

53-24-302. Involuntary commitment of alcoholics. (1) A person may be committed to the custody of the department by the district court upon the petition of his spouse or guardian, a relative, the certifying physician, or the chief of any approved public treatment facility. The petition shall allege that the person is an alcoholic who habitually lacks self-control as to the use of alcoholic beverages and that he has threatened, attempted, or inflicted physical harm on another and that unless committed is likely to inflict physical harm on another or is incapacitated by alcohol. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within 2 days before submission of the petition unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal

shall be alleged in the petition. The certificate shall set forth the physician's findings in support of the allegations of the petition. A physician employed by the admitting facility or the department is not eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no later than 10 days after the date the petition was filed. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served on the petitioner, the person whose commitment is sought, his next of kin other than the petitioner, a parent or his legal guardian if he is a minor, the administrator in charge of the approved public treatment facility to which he has been committed for emergency care, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony of at least one licensed physician who has examined the person whose commitment is sought. The person shall have a right to have a licensed physician of his own choosing examine him and testify on his behalf. If he has no funds with which to pay such physician, the reasonable costs of one such examination and testimony shall be paid by the county. The person shall be present unless the court believes that his presence is likely to be injurious to him. He shall be advised of his right to counsel, and if he is unable to hire his own counsel, the court shall appoint an attorney to represent him at the expense of the county. The court shall examine the person in open court or, if advisable, shall examine the person in chambers. If he refuses an examination by a licensed physician and there is sufficient evidence to believe that the allegations of the petition are true or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him to the department for a period of not more than 5 days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination by the department, the court finds that grounds for involuntary commitment have been established by clear and convincing evidence, it shall make an order of commitment to the department. It may not order commitment of a person unless it determines that the department is able to provide adequate and appropriate treatment for him and the treatment is likely to be beneficial.

(5) A person committed under this section shall remain in the custody of the department for treatment for a period of 30 days unless sooner discharged. At the end of the 30-day period, he shall automatically be discharged unless before expiration of the period the department obtains a court order from the district court of the committing district for his recommitment upon the grounds set forth in subsection (1) for a further period of 90 days unless sooner discharged. If a person has been committed because he is an alcoholic likely to inflict physical harm on another, the department shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) A person recommitted under subsection (5) who has not been discharged by the department before the end of the 90-day period shall be discharged at the expiration of that period unless before expiration of the period the department obtains a court order from the district court of the committing district on the grounds set forth in subsection (1) for recommitment for a further period not to exceed 90 days. If a person has been committed because he is an alcoholic likely to inflict physical harm on another, the department shall apply for recommitment if after examination it is determined that the likelihood still exists. Only two recommitment orders under subsections (5) and (6) are permitted.

(7) Upon the filing of a petition for recommitment under subsection (5) or (6), the court shall fix a date for hearing no later than 10 days after the date the petition was filed. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served on the petitioner, the person whose commitment is sought, his next of kin other than the petitioner, the original petitioner under subsection (1) if different from the petitioner for recommitment, one of his

parents or his legal guardian if he is a minor, and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3).

(8) A person committed to the custody of the department for treatment shall be discharged at any time before the end of the period for which he has been committed if either of the following conditions is met:

(a) in case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon another, that he is no longer in need of treatment or the likelihood no longer exists; or

(b) in case of an alcoholic committed on the grounds of incapacity and the need of treatment, that the incapacity no longer exists, further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(9) The court shall inform the person whose commitment or recommitment is sought of his right to contest the application, be represented by counsel at every stage of any proceedings relating to his commitment and recommitment, and have counsel appointed by the court or provided by the court if he wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him regardless of his wishes. The person whose commitment or recommitment is sought shall be informed of his right to be examined by a licensed physician of his choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(10) If a private treatment facility agrees with the request of a competent patient or his parent, sibling, adult child, or guardian to accept the patient for treatment, the department may transfer him to the private treatment facility.

(11) A person committed under this section may at any time seek to be discharged from commitment by writ of habeas corpus or other appropriate means.

(12) The venue for proceedings under this section is the place in which person to be committed resides or is present.

History: En. 69-6221 by Sec. 11, Ch. 302, L. 1974; Sec. 69-6221, R.C.M. 1947; redes. 80-2718 by Sec. 6, Ch. 280, L. 1975; R.C.M. 1947, 80-2718.

53-24-303. Treatment and services for intoxicated persons and persons incapacitated by alcohol. (1) An intoxicated person may come voluntarily to an approved public treatment facility for emergency treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he consents to the proffered help, may be assisted to his home, an approved public treatment facility, an approved private treatment facility, or other health facility by the police.

(2) A person who appears to be incapacitated by alcohol shall be taken into protective custody by the police and forthwith brought to an approved public treatment facility for emergency treatment. If no approved public treatment facility is readily available, he shall be taken to an emergency medical service customarily used for incapacitated persons. The police, in detaining the person and in taking him to an approved public treatment facility, are taking him into protective custody and shall make every reasonable effort to protect his health and safety. In taking the person into protective custody, the detaining officer may take reasonable steps to protect himself. No entry or other record may be made to indicate that the person taken into custody under this section has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved public treatment facility shall be examined by a licensed physician as soon as possible. He may then be admitted as a patient or referred to another health facility. The referring approved public treatment facility shall arrange for his transportation.

(4) A person who by medical examination is found to be incapacitated by alcohol at the time of his admission or to have become incapacitated at any time after his admission may not be detained at the facility once he is no longer incapacitated by alcohol or, if he remains incapacitated by alcohol, for more than 48 hours after admission as a patient unless he is committed under 53-24-304. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved public treatment facility and is not referred to another health facility may be taken to his home. If he has no home, the approved public treatment facility shall assist him in obtaining shelter.

(6) If a patient is admitted to an approved public treatment facility, his family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, his request shall be respected.

History: En. 69-6219 by Sec. 9, Ch. 302, L. 1974; Sec. 69-6219, R.C.M. 1947; redes. 80-2716 by Sec. 6, Ch. 280, L. 1975; amd. Sec. 5, Ch. 414, L. 1977; R.C.M. 1947, 80-2716.

53-24-304. Emergency commitment of intoxicated persons and persons incapacitated by alcohol. (1) An intoxicated person who has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed or who is incapacitated by alcohol may be committed to an approved public treatment facility for emergency treatment. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment.

(2) The certifying physician, spouse, guardian, or relative of the person to be committed or any other responsible person may make a written application for commitment under this section directed to the administrator of the approved public treatment facility. The application shall state facts to support the need for emergency treatment and be accompanied by a physician's certificate stating that he has examined the person sought to be committed within 2 days before the certificate's date and facts supporting the need for emergency treatment. A physician employed by the admitting facility or the department is not eligible to be the certifying physician.

(3) Upon approval of the application by the administrator of the approved public treatment facility, the person shall be brought to the facility by a peace officer, health officer, the applicant for commitment, the patient's spouse, the patient's guardian, or any other interested person. The person shall be detained at the facility to which he was admitted or transferred to another appropriate public or private treatment facility until discharged under subsection (5).

(4) The administrator of an approved public treatment facility shall refuse an application if in his opinion the application and certificate fail to sustain the grounds for commitment.

(5) When on the advice of the medical staff the administrator determines that the grounds for commitment no longer exist, he shall discharge a person committed under this section. No person committed under this section may be detained in any treatment facility for more than 5 days. If a petition for involuntary commitment under 53-24-302 has been filed within the 5 days and the administrator in charge of an approved public treatment facility finds that grounds for emergency commitment still exist, he may detain the person until the petition has been heard and determined, but no longer than 10 days after filing the petition.

(6) A copy of the written application for commitment and of the physician's certificate and a written explanation of the person's right to counsel shall be given

to the person by the department within 24 hours after commitment. The department shall provide a reasonable opportunity for the person to consult counsel.

History: En. 69-6220 by Sec. 10, Ch. 302, L. 1974; Sec. 69-6220, R.C.M. 1947; redes. 80-2717 by Sec. 6, Ch. 280, L. 1975; amd. Sec. 51, Ch. 37, L. 1977; amd. Sec. 6, Ch. 414, L. 1977; R.C.M. 1947, 80-2717.

53-24-305. Visitation and communication rights of patients. (1) Subject to reasonable rules regarding hours of visitation which the department may adopt, patients in any approved treatment facility shall be granted opportunities for adequate consultation with counsel and for continuing contact with family and friends consistent with an effective treatment program.

(2) Neither mail nor other communication to or from a patient in any approved treatment facility may be intercepted, read, or censored. The administrator may adopt reasonable rules regarding the use of telephone by patients in approved treatment facilities.

History: En. 69-6223 by Sec. 13, Ch. 302, L. 1974; Sec. 69-6223, R.C.M. 1947; redes. 80-2720 by Sec. 6, Ch. 280, L. 1975; R.C.M. 1947, 80-2720.

53-24-306. Records of alcoholics and intoxicated persons. (1) The registration and other records of treatment facilities shall remain confidential and are privileged to the patient.

(2) Notwithstanding subsection (1), the department may make available information from patients' records for purposes of research into the causes and treatment of alcoholism. Information under this subsection shall not be published in a way that discloses patients' names or other identifying information.

History: En. 69-6222 by Sec. 12, Ch. 302, L. 1974; Sec. 69-6222, R.C.M. 1947; redes. 80-2719 by Sec. 6, Ch. 280, L. 1975; R.C.M. 1947, 80-2719.

CHAPTERS 25 THROUGH 29

RESERVED

CHAPTER 30

CORRECTIONS

Part 1 — Adult Offenders
Montana State Prison

Section

53-30-101. Location and function of prison.
53-30-102. Qualifications of warden.
53-30-103. Working hours of prison employees.
53-30-104. Punishment of inmates.
53-30-105. Good time allowance.
53-30-106. Contracts for confinement of inmates in other institutions.
53-30-107. Establishment of intensive rehabilitation center authorized.
53-30-108. Standards of admission to intensive rehabilitation center.
53-30-109. Management and control of intensive rehabilitation center.
53-30-110. Expense of trial for offenses committed in prison.
53-30-111. Clothing and money furnished on discharge or parole.

TESTIMONY IN SUPPORT OF HB844

BY

Mona L. Sumner
2211 Oak Street
Billings, Montana
259-7091

- 13 years experience as a Volunteer in development of Alcohol and Drug Programs in Montana.
- Former member Governor's Advisory Council on alcohol and drug dependence.
- President, Board of Directors, Rimrock Foundation

HISTORICAL BACKGROUND

Forward thinking, concerned legislators passed HB909 in 1974, decriminalizing alcoholism In 1976, legislators passed HB627 which established a new tax on liquor and beer, and earmarked the tax for the treatment, rehabilitation and prevention of alcoholism by community-based programs like Rimrock Foundation.

PROBLEM

Two-thirds (2/3) of these tax funds have subsequently been used to fund Galen State Hospital and a private program at Glasgow. The Alcohol and Drug Abuse Division's administrative costs exceeded $500,000 of these tax funds; LEAVING LESS THAN 1/3 OF THE TAX FUNDS AVAILABLE TO COMMUNITY-BASED PROGRAMS.

IN ADDITION

No criteria to contain service duplications were developed, and the number of treatment programs has more than doubled in the past 2 years.

CORRECTIVE ACTION

HB844, a bi-partisan effort, has been developed and passed in the House, 90-6, because:

1. It sets a 10% ceiling on administrative expense.
2. Limits the Alcohol and Drug Abuse Division's duties to management functions.
3. Earmarks all available funds, and provides an equitable allocation formula--assuring community-based services.
4. Limits duplication of services, and establishes criteria for new programs based on need.
5. Earmarks a portion of alcohol tax funds cities currently receive for treatment.

Your support of HB844 will mean more of the available alcohol tax funds will reach the people who need help.

Community-based treatment by private non-profit programs are cost-effective -- providing a maximum return on tax dollars expended!

The Legislative Auditor's findings support the need for HB844.

Thank you.

DATE 4-6 PM

COMMITTEE ON F+C BILL NO. _____

VISITOR'S REGISTER

NAME	REPRESENTING	BILL NO	Check One Support	Oppos
Jan K Meyer	Heart of the West	#125 844	X	
Ken Neal Fair	Mossdshell Foundation Rouse	#844	X	
Ralph Gildroy	Montana Health Systems Agency	#844	X w/ amendment	
Beverly Gibson	Mt. Assoc. of Counties	#844 #692	X w/ amend. X	
J. D. Holmes	MT. INST. OF THE ARTS FOUNDATION	HB550	X	
Suzanne Sylvia	Self	#844	X	
Wm O Galvin	self	#844	X	
Bob Anderson	ADRD	844		
Bob Lutting	Montana Health Systems Ag.	844		
Pat L Sweet	" " "	844		
A K Koss	City of Billings	844 #125		
Mona L Summers	Bennett Foundation	844	X	
D. Cunningham	Kendrick FDN.	844	X	
Rick Bondy	DNR+C	841	✓	
Steve Fry	"	841	X	
Arnold Jmmend	DNRC	841	X	
Paul Meiler	Self	844		
Vera Cowan	Self	841		
E. Davison	Spencer	844	X	
Jan Lange	Self			
Jack Galbraith	Self			
Deborah Griffin	Town of Bozeman	844 #125	—	
Roger Tippy	✓	✓		
SAM GESKO	CITY OF BOZEMAN	125	X	
Edward L. Schmidt	Mayor of Bozeman Chairman	125	X	

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

April 10, 1979

The thirty-seventh meeting of the Senate Finance and Claims Committee met on the above date in room 108 of the State Capitol Building. The meeting was called to order following roll call by Senator Himsl, at 4:10 p.m. All members present.

DISPOSITION OF HOUSE BILL 908: House Bill 908 had a tie vote and Senator Lockrem said he would vote yes to get the bill out of the committee. Senator Stimatz to carry the bill.

DISPOSITION OF HOUSE BILL 243: Motion by Senator Fasbender do not concur in. We requested the Department of Administration to check into this. He read a letter sent to Mr. Phil Hauck from the Washington D. C. office stating there were no funds available at this time to assist with a veterans home at Twin Bridges.

Senator Himsl: I understand there is no chance of available money until 1983.

Senator Fasbender: Nothing could be done until this time. We would be standing in line until that time.

Senator Thiesen: I am not against the vets. The other program with the senior citizens is more palatable to the state. I would support Senator Fasbender's motion.

Senator Boylan: They have only about 2 or 3 thousand generated so far. If we don't give it to the vets, it will go to private people.

Senator Aklestad: There is no money until 1983 from the feds?

Senator Story: I would suggest we take no action on this bill. If they don't have the money and no federal funds are available, If they don't have the money or the match, I understand they can't go ahead with the program.

Senator Lockrem: There is a certain risk that a hard and effective lobby can force it out of committee. They have no longer any chance of building for the 60 beds; no federal match; but they have a good track record up in the Senate. There is a lot of misinformation out. I think we should let the bill rest in peace in the committee. Voted and tied. Stays in Committee.

DISPOSITION OF HOUSE BILL 894: Cooney Dam. Senator Thiessen: Could you possibly take this out of renewable resource funds? I would think this would fall under that category.
Renewable resource = coal tax money; indemnity trust fund = minerals.

Motion by Senator Story we do concur in.

Senator Fasbender: We have been working on these accounts. By tonight I think we will have the accounts figgured out.

Senator Himsl: We will hold this bill for the results of the balances in the trust fund & renewable resource funds.

DISPOSITION OF HOUSE BILL 9: Motion by Senator Thiessen that we do concur in.

Senator Thiessen: This is the program where the students at the law school do work for the J. P's, etc. It was financed by LEAA and the government program has stopped and it has been thrown over into the general fund. There was another bill in here that had some funding on this.

Senator Lockrem: That bill proposes to fund it out of registration fees.

Senator Fasbender: Was it anticipated that the funding for HB 9 would come out of 568? Both of these are in another bill.

Senator Lockrem: We should make justification to see if we should fund it.

Senator Regan: If we pass this it will be an on-going committment then?

Some of the other members had some problems with this bill and it was decided to hold it until a later meeting.

DISPOSITION OF HOUSE BILL 844: This was the one on alcohol distribution.

Senator Fasbender: Would it be possible to assign this to a subcommmittee for them to go through and work out the amounts? Some of this is pretty complicated.

Senator Etchart: It is a change in philosophy in using these programs that have been handled before.

The subcommittee was appointed with Senators Fasbender, Etchart, Thomas and Aklestad to serve on it.

Senator Thiessen: I just had a sheet handed to me on the renewable resources. They have enough money to fund the cooney Dam also here. Cooney Dam is a water shed, has matching federal funds, administered by the DNC.

Senator Himsl: Maybe we can all get copies of this by tomarrow morning.

ROLL CALL

SENATE FINANCE AND CLAIMS COMMITTEE

46TH LEGISLATIVE SESSION 1979 Date 4-10-79

NAME	PRESENT	ABSENT	EXCUSED
SENATOR HIMSL	✓		
SENATOR STORY	✓		
SENATOR AKLESTAD	✓		
SENATOR LOCKREM	✓		
SENATOR ETCHART	✓		
SENATOR NELSON	✓		
SENATOR SMITH	✓		
SENATOR BOYLAN	✓		
SENATOR REGAN	✓		
SENATOR FASBENDER	✓		
SENATOR THIESSEN	✓		
SENATOR THOMAS	✓		
SENATOR STIMATZ	✓		

Senate

PROPOSED AMENDMENTS TO HB844

1. Page 16, lines 16 and 17, following "revenue fund"

   Strike: to the credit of the Department of Institutions

2. Page 18, line 15, following "counties"

   Insert: by the Department of Revenue

	Lockrem	Yes	No
243	Twin Bridges –		✓
	844 – alcohol	✓	
X	537 – Sec Voted		✓
	410 – ag Station		✓
X	890 – Milwaukee		✓
X	919 – Cancer Tumor		✓

All the rest not acted on

Proposed Technical Amendment to HB 844

1. Page 1, line 25.
Following: "~~private~~"
Insert: "private"

2. Page 2, line 1.
Following: "nonprofit"
Strike: "OR LOCAL GOVERNMENT"

3. Page 2, line 6
Following: "means"
Insert: ": (a)"

4. Page 2
Following: line 10
Insert: "; or
(b) a treatment agency operating under the direction and control of a local government and approved under 53-24-208."

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

April 11, 1979

The thirty-eighth meeting of the Senate Finance and Claims Committee met on the above date in room 108 of the State Capitol. Following roll call the meeting was called to order by Senator Himsl, Chairman at 8:16 a.m.

ROLL CALL: All members present.

CONSIDERATION OF HOUSE BILL 568:

Senator Lockrem: This bill was originally in Senate Taxation Committee. The $1 was an increase in motor vehicle registration fees. At the end of '79 there will be a $742,000 fund balance. During the interim the Attorney General's office and the budget office looked for another source for funding for those areas of law enforcement and decided they would make this recommendation to the governor's office and the Department of Justice. Transferred to the general fund, less the earmarked revenue and the Attorney General said it should have some relationship to what it is funding. Here it passed as second cousins. The budget in the big bill transferred out any new programs. The budget did not include the forensic science of criminal law lab . We had transferred to the law enforcement of the Attorney General, the criminal lab. In the event we do not get some sort of an increase as purported in 568 the budget will be short by approximately $700,000 in each year of the biennium. We are short in transferring and we wouod have to pick up $1.4 million in general fund or work out an increase in registration fees. Before we get into 568, we should resolve House Bill 9 and the forensic science lab. We have not funded the proposals in House Bill 9. Until we resolve those two bugs we cannot tell how much we need to increase it.

DISPOSITION OF HOUSE BILL 9: Senator Stimatz: I would like to ask Senator Lockrem, what programs?

Senator Lockrem: Forensic Science and the Montana Criminal Law Enforcement Center.

Senator Regan: Are you saying that House Bill 568 there is not enough money in them to back them both up?

Senator Lockrem: No. We can do anything we want with this. We should determine whether we are going to pick up any new programs and then come back.

Senator Fasbender: How much are we short?

Senator Lockrem: We are short $1.4 million. If there are no fee increases we would be short $1.4 million with no new programs.

Motion by Senator Etchart we amend page 2, line 21 by inserting "if the beard of investments, in upholding its duties under 17-6-201, concurs."

Voted and passed.

Motion by Senator Fasbender that SJR 11 be adopted as amended. Voted and passed. Senator Aklestad voted no. Senator Blaylock to carry the bill.

CONSIDERATION OF HOUSE BILL 844: Senator Himsl: There is some question on the funding on this bill.

Senator Fasbender: I don't know what will happen to the bonding bill. The recommendations from the appropriations committee in the House--I think they need to be built. It will be necessary to build some. The state library -- it could be build in conjunction with the Supreme Court building. The committee recommending no action be taken. It authorization of the bonds would be sent over to the House. They should either amend it in the bonding program or kill it outright. I don't think any action until we get the bill over here should be taken. That way we shouldn't end up having people play games with the bill until we see what develops.

DISPOSITION OF HOUSE BILL 894: Cooney Dam. This would appropriate money to repair Cooney Dam and would be appropriated from Federal and revenue funds.

Motion by Senator Etchart House Bill 894 be concurred in.

Senator Boylan: Senator Thiessen said he would look into the resource indemnity trust fund interest account. On this dam at least we could do something.

Senator Himsl: The information that I have is that this is repair money. It is expected to restore the spillway and there is some question of elevating the dam 5 feet or something.

Sentor Smith: The subcommittee was not the one I was on--It was $500,000 in repair--was there $191,000 of private funds? Ans. The total cost of the project is about $2 million. About $1.2 million in federal funds. We need the $591,300 in state funds. The federal and private funds that are in the bill will not work. We do need the $600,000. This is the amount to trigger the finances of this.

Senator Regan: What happens if you don't get the federal money? Ans. The money will appropriate is a loan.

Senator Regan: Do you pass this money back? Ans. Water users. Senator Regan: Why can't we amend this so that they pay back the state too?

ROLL CALL

SENATE FINANCE AND CLAIMS COMMITTEE

46TH LEGISLATIVE SESSION 1979 Date 4-11-79

NAME	PRESENT	ABSENT	EXCUSED
SENATOR HIMSL	✓		
SENATOR STORY	✓		
SENATOR AKLESTAD	✓		
SENATOR LOCKREM	✓		
SENATOR ETCHART	✓		
SENATOR NELSON	✓		
SENATOR SMITH	✓		
SENATOR BOYLAN	✓		
SENATOR REGAN	✓		
SENATOR FASBENDER	✓		
SENATOR THIESSEN	✓		
SENATOR THOMAS	✓		
SENATOR STIMATZ	✓		

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

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April 17, 1979

The forty-first meeting of the Senate Finance and Claims Committee met on the above date in room 108 of the State Capitol Building. Following roll call the meeting was called to order by Senator Himsl, Chairman at 8:13 a.m.

ROLL CALL: All members present.

Senator Himsl said he would like to alert the committee to a meeting to be held jointly with the House Appropriation committee with Keith Colbo on the nursing home problems at 10 a.m. tomarrow morning in room 108. He asked if anyone had turned up with an extra copy of the code books, that number 4 was missing from the committee set. He also said that he would like to get the bills cleared up that we had in committee which included Senator Smith's resulution, Senate bill 226 which is Goodover's bill and it is taken care of, Senatoe Fasbender's 490 was incorporated into another bill from the House and Senator Lowe's 326 would be allowed to rest in peace.

DISPOSITION OF HOUSE BILL 844: Senator Etchart said that Larry Weinberg, Legislative Council, has taken the amendments and worked it into a grey bill for the committee to look at. He said the committee had decided not to delete the suggestion on setting up a place of treatment. He asked Larry to explain the amendments.

Mr. Weinberg: went through the amendments, attached, pointed out through the gray bill where the changes came in, and then coordinated them with the amendment sheet.

Larry Zanto, Department of Institutions, handed out a sheet of charts showing the estimated liquor tax and how it was distributed as to the amount to be used in the alcohol treatment. He passed out another chart showing the sources of the tax and how it was disbursed, attached.

Senator Thiessen: What about the Glasgo center?

Senator Etchart: Glasgo would compete with about 4 or 5 other programs.

Senator Lockrem: The money going to the cities has been used to augment the police salaries. Don't they sort of circumvent the bill?

Senator Fasbender: So far the cities have chosen to use this money in the police fund, it is discretionary.

Senator Himsl: In the case of the operation they have at Libby, if one has an exceptional program and is recognized etc., do they still have to compete with the discretionary funds?

Senator Etchart: We had to move money to take care of 6 programs that don't have enough money under the straight program, plus

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some detox programs.

Senator Aklestad: They could well take up the case of Libby. They get a little bit in the consumption ratio.

Senator Etchart: $30,000 more to keep the Libby program going.

Senator Fasbender: The consumption is distributed at the 4½% and in this one you build a base. The 85-15 will go to the counties to fund the existing programs. Before they were all discretionary.

Senator Himsl: I have a question about the handling of these funds. Earlier in the other bill it said they would go to the Revenue Department and from there right into the field.

Senator Fasbender: Title 53 was changed. It goes to the Department of Institutions and then to the county. The 30% goes straight to us.

Senator Lockrem: There has to be approval of the program. If we would lose control now these people would get the money automatically regardless?

Senator fasbender: We requested this section be left in. Until the county takes a plan and it is approved they will not get funds.

Senator Lockrem: The Department of Institutions has the perogative of keeping control of the funds? Senator Fasbender: Until the program is approved of, yes.

Senator Story: Is this supplied directly to the cities? Senator Fasbender: 33 1/3 to 30% to the cities.

Senator Story: The 5%? Larry Zanto: Before it was taken out after distribution, now it is taken out =4% before.

Senator Story: What basis does the Department of Institutions set?

Mr. Zanto: There are two situations. In section 9--it says the plan must contain information, etc. That must be approved as a state program under the earlier section. There is a little more than was in the current law. It was funded in the House Bill 483 and a prohibition against increasing the total number of programs in the state.

Senator Story: You run this in your department?

Mr. Zanto: It is called the alcohol and drug program. Mr. Murry is the head of both divisions. We have not chosen to organize under this. We do not have a head of the Drug program and a head of the alcohol program. We don't really have a bureau chief on the alcohol side. They go through Mr. Murry.

Senator Lockrem: Isn't there an inherent danger in ...

pass through that we could be over funding some of these?

Senator Fasbender: To be funded -- there just isn't that much money there. In the chart you will see that part of the money goes back to the fund.

Senator Lockrem: On the appropriation of DWI, appropriations to criminals, etc. About the only way the legislature can control any of the spending is on the programs.

Senator Fasbender: The legislature can cut down on the amount of money that goes in to the programs.

Senator Lockrem: What about the increase in revenue?

Senator Fasbender: Because of the wine, there will be decrease in revenue. We don't get the wine tax any more.

Senator Story: On the amount the county gets--85-15 split. Is that the same as in the past?

Senator Fasbender: No. It is a new formula. 85% on the population and 15% on the land. There was no formula in the past.

Senator Story: What will it do to the smaller counties?

Senator Fasbender: There is a sheet that shows basically what the program will be. Some programs went up and some end up with a reduction. One county has three programs that over lap and they may have to cut down one program. Sweetgrass is one we will have to augment some. They had $18,000 this year and they will go down to $8,000.

Senator Story: You feel they will do that?

Mr. Zanto: I think we have enough money to do that. Park also goes down and we will have to augment them. I think we have enough money in that $350,000 to do that. I think we will ask Libby to get a little more frugal. There is enough money in the discretionary fund to help these counties. There has been a maldistribution of funds and we have to recognize that. I don't think we can get them up to the $65,000 they would like to be, but perhaps up to $50,000.

Senator Story: How is the amount distributed to the counties and the cities?

Mr. Zanto: The cities part 30%, goes to the counties first. They redistribute to the cities within the counties based on consumption. It is based on regular sales for the cities.

Senator Story: What about what comes down from the revenue department? The $170,000 just to the counties, based on how much the counties contribute to the liquor tax.

Senator Etchart: We did not mess with that.

Senator Story: Is that part of the law changed?

Senator Etchart: It shouldn't be.

Senator Regan: Based on the reduction of anticipated revenue because of the wine sales, obviously that will result in a decrease in dollars. What percentage do you see? How much are the programs going to be zapped?

Mr. Zanto: The $1.530 million--the distribution is $1.7 million. There is a small amount there that is not contributed to the wine tax. The Galen appropriations for instance is more than it was this year. The DWI was not in there at all. It is a combination of factors that result in the reduction. We made some of this up taking out Galen; and Glasgo thinks they will be able to maintain their program for less so we picked up some money there.

Mr. Weinberg: In reading through the bill, money that went down to the counties went on the basis of liquor purchased. After the money reaches the county it is distributed according to the amount of sales, page 18.

Senator Fasbender: Page 18, line 3,4 and 5 doesn't cover it?

Mr. Weinberg: It does not inform the Department of Revenue on how to distribute it. There is a formula for the 4.5% but not for the 30%.

Senator Story: I would move that this language be inserted, so that the Revenue Department will know on what basis to distribute the 30%. Page 18, line 4 after the word county insert "according to the amount of liquor purchased in each county". Second by Senator Etchart.

Voted and passed, Senator Boylan absent.

Senator Himsl: What does AD-AD mean? Zanto: Alcohol Drug Abuse Division.

John La Favor: The arrow on the chart going to approved programs is appropriated line items. There might need some modification to be sure that they can be appropriated, then the full 80% goes to the counties- Now the way it matches, it will not be appropriated in the same amount.

Senator Fasbender: They anticipate raising the amount.

John LaFavor: Really what you want is 100% going down to the counties.

Mr. Zanto: We recognized that there will be two amounts as a result going to the counties. The conference committee will take care of this.

Motion by Senator Fasbender to move the amendments (attached).

Mr. Weinberg: On the question of Mr. LaFavor. His recommendation is valid. The way the bill is written 80% to the counties remainder to the counties. This would be 80-20--you might find yourselves in trouble. I would suggest page 2 of the amendments--take subsection 3b and make it 3a in distributing proceeds derived from the liquor license tax, etc. the department to distribute 20% of the available money to approved programs and then say the remainder shall be distributed on a 15-85 spread. He said he would rewrite it and give it to the secretary.

Senator Fasbender: That is acceptable to my motion and I will include it.

Voted and passed, unanimous, Senator Boylan absent.

Motion by Senator Thomas that we concur as amended. Voted and passed. unanimous, Senator Boylan leaving a yes vote. Senator Fasbender to carry the bill, Mr. Weinberg to work up the amendment.

DISPOSITION OF SENATE RESOLUTION 34: Senator Smith: They have gotten the $50,000 down to $40,000 on the fiscal note. It is within the earmarked funding.

Senator Himsl: Does this go on the priority basis also?

Senator Smith: no.

Sentor Lockrem: This would set it up separate and does not even ask for a vote on it by the priority committee?

Senator Thiessen: The others go through the priority committee and this does not.

Senator Fasbender: This just directs the committee be set up and it bypasses the priority committee.

Senator Thiessen: This does not say who the committee is.

Senator Smith: It tells you who the committee would be. Page 2 line 18.

Senator Thiessen: It does not say who.

Motion by Senator Smith that SR 34 be concurred in.

Senator Aklestad: I am not sure what this committee will accomplish. Is it just a public relationship?

Senator Story: I think it is badly needed. Anything they proposed was just ripped to shreds. Basically they have problems trying to put balance hats on. Fish hatcheries should have been raised

ROLL CALL

SENATE FINANCE AND CLAIMS COMMITTEE

46TH LEGISLATIVE SESSION 1979 Date 4-17-79

NAME	PRESENT	ABSENT	EXCUSED
SENATOR HIMSL	✓		
SENATOR STORY	✓		
SENATOR AKLESTAD	✓		
SENATOR LOCKREM	✓		
SENATOR ETCHART	✓		
SENATOR NELSON	✓		
SENATOR SMITH	✓		
SENATOR BOYLAN	✓		
SENATOR REGAN	✓		
SENATOR FASBENDER	✓		
SENATOR THIESSEN	✓		
SENATOR THOMAS	✓		
SENATOR STIMATZ	✓		

Amendments to HB 844

1. Page 13, line 1.
Following: "services"
Strike: "for the purpose of determining"

2. Page 13, line 1.
Following: "services"
Insert: "."

3. Page 13, line 2.
Strike: line 2 in its entirety

4. Page 13, lines 3 through 6.
Strike: lines 3 through 6 in their entirety.
Insert: "(3) The following order of priorities for program services shall be followed:
(a) treatment and rehabilitation of alcoholics;
(b) detoxification services;
(c) services for family members."

5. Page 18, line 14.
Following: "SUPPORT"
Insert: "state operated"

Larry Weinberg
3064 (Legis. Conf.)

Amend Statement of Intent, HB 844

1. Page 1, line 19.
Following: line 18
Insert: "In exercising its discretion in the distribution of funds under 53-24-206, the department shall distribute the funds to promote the purposes of Title 53, chapter 24, and to insure the viability and continued operation of approved programs that can demonstrate the need for funding in excess of funds that would be available under the allocation formula of 53-24-206(3)(a)."

Amend HB 844, 3rd Reading Copy Bill

1. Title, line 7.
Strike: "16-1-408,"

2. Title, line 8.
Following: line 7
Strike: "53-24-104,"
Following: "53-24-204,"
Strike: "53-24-207,"
Insert: "AND 53-24-206 THROUGH"

3. Title, line 9.
Strike: ", AND 53-24-303"

4. Page 1, line 25
Following: "~~private~~"
Insert: "private"

5. Page 2, line 1.
Following: "~~private~~"
Insert: "private"
Following: "nonprofit"
Strike: "OR LOCAL GOVERNMENT"

6. Page 2, line 2.
Strike: "sole"

7. Page 2, line 6.
Following: "means"
Insert: ": (a)"

8. Page 2, line 10.
Following: "53-24-208"
Insert: "; or
(b) a treatment agency operating under the direction and control of a local government and approved under 53-24-208"

9. Page 3, line 24 through line 9, page 4.
Strike: section 2 in its entirety
Renumber: subsequent subsections

10. Page 4, line 14.
Strike: "sole"

11. Page 4, line 20.
Following: "~~hospitals~~"
Insert: ", certified alcoholism counselors, licensed physicians, and licensed hospitals"

12. Page 7, line 25 through line 2, page 8.
Following: "programs"
Strike: remainder of line 7 through "services" on line 2, page 8 in their entirety.

13. Page 9, lines 10 and 11.
Following: "the"
Strike: "allocation for distribution as provided for in 16-1-404"
Insert: "provisions of 53-24-206"

14. Page 11, line 22.
Following: "(2)"
Strike: "To carry out this chapter, the"
Insert: "The"

15. Page 12, line 6.
Following: "provisions of"
Strike: "16-1-404"
Insert: "53-24-206"

16. Page 12.
Following: line 13
Insert: "Section 5. Section 53-24-206, MCA, is amended to read:

"53-24-206. ~~Receipt~~ Administration of financial assistance authorized. (1) The department may apply for and receive grants, allotments, or allocations of funds or other assistance for purposes pertaining to the problems of alcohol and drug dependence or related social problems under laws and rules of the United States, any other state, or any private organization.

(2) The department may cooperate with any other government agency or private organization in programs on alcohol and drug dependence or related social problems. In carrying out cooperative programs, the department may make grants of financial assistance to government agencies and private organizations under terms and conditions agreed upon.

~~(3)~~ (a) In distributing proceeds derived from the liquor license tax or the beer license tax, the department shall distribute 80% of the available money to the counties for use by approved programs in the following manner:

(i) Eighty-five percent shall be allocated according to the proportion of each county's population to the state's population according to the most recent United States census.

(ii) Fifteen percent shall be allocated according to the proportion of the county's land area to the state's land area.

(b) The remainder of the money shall be distributed to approved programs on a discretionary basis by the department to those programs that can demonstrate that:

(i) the program is achieving the goals and objectives mutually agreed upon by the program and the department; and

(ii) the receipt of additional funds would be justified.

(c) Money distributed under subsection (3) may only be used for purposes pertaining to the problems of alcoholism or related social problems."

Renumber: subsequent section

See exh. sheet

17. Page 13, lines 1 and 2
Strike: "for the purpose of determining whether additional treatment is needed"

18. Page 13, lines 3 through 6.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

19. Page 13, line 18 through line 17, page 15.
Strike: section 7 in its entirety.
Renumber: subsequent sections

20. Page 16, lines 11 and 12.
Following: "~~Thirty~~"
Strike: "EXCEPT AS PROVIDED IN SUBSECTION (4), THIRTY"
Insert: "Thirty"

21. Page 16, line 13. Following: "counties" Insert: "according to the amount of liquor purchased in each county"

22 ~~21~~. Page 15, line 15.
Following: "(2)."
Insert: "Four and one-half percent of these revenues shall be allocated to the counties according to the amount of liquor purchased in each county, and this money may be used for county purposes."

23 ~~22~~. Page 17, line 13.
Following: "county"
Insert: "under subsection (1) for use by cities and towns"

24 ~~23~~. Page 18, lines 15 through 23.
Following: "distributed"
Strike: remainder of line 15 through line 23 in their entirety
Insert: "as provided in 53-24-206."

25 ~~24~~. Page 19, lines 4 through 11.
Strike: subsection (4) and (5) in their entirety

26 ~~25~~. Page 19, line 12 through line 10, page 20.
Strike: sections 9 and 10 in their entirety
Renumber: subsequent sections

27 ~~26~~. Page 22, lines 5 through 19.
Strike: section 12 in its entirety
Renumber: subsequent section

28 ~~27~~. Page 23, line 8.
Following: "department."
Insert: "In distributing funds to approved programs in a county, the department shall give consideration to the county plan."

STANDING COMMITTEE REPORT

April 17 19 79

MR. President

We, your committee on Finance and Claims

having had under consideration Statement of Intent, H.B. Bill No. 844

Respectfully report as follows: That Statement of Intent, HB Bill No. 844,
be amended as follows:

1. Page 1, line 19.
Following: line 18
Insert: "In exercising its discretion in the distribution of funds under 53-24-206, the department shall distribute the funds to promote the purposes of Title 53, chapter 24, and to insure the viability and continued operation of approved programs that can demonstrate the need for funding in excess of funds that would be available under the allocation formula of 53-24-206 (3) (a)."

And, as so amended, BE CONCURRED IN
DO PASS

Senator Himsl
Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

April 17, 79
19

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 844

Respectfully report as follows: That House Bill No. 844,
third reading bill, be amended as follows:

1. Title, line 7.
Strike: "16-1-406,"

2. Title, line 8.
Following: line 7
Strike: "53-24-104,"
Following: "53-24-204,"
Strike: "53-24-207,"
Insert: "AND 53-24-206 THROUGH"

3. Title, line 9.
Strike: ", AND 53-24-303"

4. Page 1, line 25.
Following: "private"
Insert: "private"

DO PASS

(continued)

Chairman.

STATE PUB. CO.
Helena, Mont.

5. Page 2, line 1.
Following: "private"
Insert: "private"
Following: "nonprofit"
Strike: "OR LOCAL GOVERNMENT"

6. Page 2, line 2.
Strike: "sole"

7. Page 2, line 6.
Following: "means"
Insert: ": (a)"

8. Page 2, line 10.
Following: "53-24-208"
Insert: "; or
(b) a treatment agency operating under the direction and control of a local government and approved under 53-24-208"

9. Page 3, line 24 through line 9, page 4.
Strike: section 2 in its entirety
Renumber: subsequent subsections

10. Page 4, line 14.
Strike: "sole"

11. Page 4, line 20.
Following: "hospitals"
Insert: ", certified alcoholism counselors, licensed physicians, and licensed hospitals"

12. Page 7, line 25 through line 2, page 8.
Following: "programs"
Strike: remainder of line 7 through "services" on line 2, page 8 in their entirety

13. Page 9, lines 10 and 11.
Following: "the"
Strike: "allocation for distribution as provided for in 16-1-404"
Insert: "provisions of 53-24-206"

14. Page 11, line 22.
Following: "(2)"
Strike: "To carry out this chapter, the"
Insert: "The"

15. Page 12, line 6.
Following: "provisions of"
Strike: "16-1-404"
Insert: "53-24-206"

(continued)

Chairman.

STATE PUB. CO.
Helena, Mont.

16. Page 12.
Following: line 13
Insert: "Section 5. Section 53-24-206, MCA, is amended to read:
"53-24-206. Receipt Administration of financial assistance authorized. (1) The department may apply for and receive grants, allotments, or allocations of funds or other assistance for purposes pertaining to the problems of alcohol and drug dependence or related social problems under laws and rules of the United States, any other state, or any private organization.
(2) The department may cooperate with any other government agency or private organization in programs on alcohol and drug dependence or related social problems. In carrying out cooperative programs, the department may make grants of financial assistance to government agencies and private organizations under terms and conditions agreed upon.

(3) (a) In administering proceeds derived from the liquor license tax or the beer license tax, the department shall distribute those funds appropriated by the legislature. Money that is appropriated for distribution to approved programs on a discretionary basis shall be distributed to those programs that can demonstrate that:
(i) the program is achieving the goals and objectives mutually agreed upon by the program and the department; and
(ii) the receipt of additional funds would be justified.
(b) The remainder of the proceeds shall be distributed to the counties for use by approved programs in the following manner:
(i) Eighty-five percent shall be allocated according to the proportion of each county's population to the state's population according to the most recent United States census.
(ii) Fifteen percent shall be allocated according to the proportion of the county's land area to the state's land area.
(c) Money distributed under subsection (3) may only be used for purposes pertaining to the problems of alcoholism or related social problems.
Renumber: subsequent section

17. Page 13, lines 1 and 2.
Strike: "for the purpose of determining whether additional treatment is needed"

18. Page 13, lines 3 through 6.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

19. Page 13, line 18 through line 17, page 15.
Strike: section 7 in its entirety
Renumber: subsequent sections

(continued)

Chairman.

STATE PUB. CO.
Helena, Mont.

20. Page 16, lines 11 and 12.
Following: "Thirty"
Strike: "EXCEPT AS PROVIDED IN SUBSECTION (4), THIRTY"
Insert: "Thirty"

21. Page 16, line 13.
Following: "counties"
Insert: "according to the amount of liquor purchased in each county"

22. Page 15, line 15.
Following: "(2)."
Insert: "Four and one-half percent of these revenues shall be allocated to the counties according to the amount of liquor purchased in each county, and this money may be used for county purposes."

23. Page 17, line 13.
Following: "county"
Insert: "under subsection (1) for use by cities and towns"

24. Page 18, lines 15 through 23.
Following: "distributed"
Strike: remainder of line 15 through line 23 in their entirety
Insert: "as provided in 53-24-206."

25. Page 19, lines 4 through 11.
Strike: subsection (4) and (5) in their entirety

26. Page 19, line 12 through line 10, page 20.
Strike: sections 9 and 10 in their entirety
Renumber: subsequent sections

27. Page 22, lines 5 through 19.
Strike: section 12 in its entirety
Renumber: subsequent section

28. Page 23, line 8.
Following: "department."
Insert: "In distributing funds to approved programs in a county, the department shall give consideration to the county plan."

And, as so amended, BE CONCURRED IN

Senator Hirsl
Chairman.

STATE PUB. CO.
Helena, Mont.

STATEMENT OF INTENT RE: HB 844

A statement of intent is required for this bill because it delegates authority to the Department of Institutions.

Section ~~12~~ 13 requires each county to submit a countywide plan to the department for the treatment, rehabilitation, and prevention of alcoholism and gives the department the authority to approve or disapprove of each plan.

It is intended that the rules adopted by the department with regard to the plans will:

(1) provide the procedure for the submission of the plan including the general format and the type of information needed by the department to evaluate the plan; and

(2) outline the criteria that the department will use in approving or disapproving a plan.

IN EXERCISING ITS DISCRETION IN THE DISTRIBUTION OF FUNDS UNDER 53-24-206, THE DEPARTMENT SHALL DISTRIBUTE THE FUNDS TO PROMOTE THE PURPOSES OF TITLE 53, CHAPTER 24, AND TO INSURE THE VIABILITY AND CONTINUED OPERATION OF APPROVED PROGRAMS THAT CAN DEMONSTRATE THE NEED FOR FUNDING IN EXCESS OF FUNDS THAT WOULD BE AVAILABLE UNDER THE ALLOCATION FORMULA OF 53-24-206(3)(A).

IN EXERCISING ITS DISCRETION IN THE DISTRIBUTION OF FUNDS UNDER 53-24-206, THE DEPARTMENT SHALL DISTRIBUTE THE FUNDS TO PROMOTE THE PURPOSES OF TITLE 53, CHAPTER 24, AND TO INSURE THE VIABILITY AND CONTINUED OPERATION OF APPROVED PROGRAMS THAT CAN DEMONSTRATE THE NEED FOR FUNDING IN EXCESS OF FUNDS THAT WOULD BE AVILABLE UNDER THE ALLOCATION FORMULA OF 53-24-206(3)(A).

HOUSE BILL NO. 844

INTRODUCED BY MEYER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO ALCOHOLISM TREATMENT PROGRAMS AND THE DISTRIBUTION OF REVENUES FROM THE LIQUOR LICENSE TAX PROCEEDS; AMENDING SECTIONS 16-1-404, ~~16-1-408~~, 53-24-103, ~~53-24-104~~, 53-24-108, ~~53-24-203~~, 53-24-204, AND 53-24-206 ~~53-24-207~~, THROUGH 53-24-208, ~~AND--53-24-303~~, MCA; AND REPEALING SECTION 53-24-203, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-24-103, MCA, is amended to read:

"53-24-103. Definitions. For purposes of this chapter, the following definitions apply:

(1) "Alcoholic" means a person who ~~habitually lacks self-control as to the use of alcoholic beverages or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted~~. HAS A CHRONIC ILLNESS OR DISORDER OF BEHAVIOR CHARACTERIZED BY REPEATED DRINKING OF ALCOHOLIC BEVERAGES TO THE EXTENT THAT IT ENDANGERS THE HEALTH, INTERPERSONAL RELATIONSHIPS, OR ECONOMIC FUNCTION OF THE INDIVIDUAL OR PUBLIC HEALTH, WELFARE, OR SAFETY.

(2) "Approved ~~private~~ PRIVATE treatment facility" means a ~~private~~ PRIVATE nonprofit ~~OR LOCAL GOVERNMENT~~ agency, receiving public funds (whose ~~sole~~ function is the treatment, rehabilitation, and prevention of alcoholism and drug dependence) meeting the standards prescribed in 53-24-208(1) and approved under 53-24-208.

(3) "Approved public treatment facility" means:

(A) a treatment agency operating under the direction and control of the department ~~or providing treatment under this chapter through a contract with the department~~ as a state agency and approved under 53-24-208~~;~~; OR

(B) A TREATMENT AGENCY OPERATING UNDER THE DIRECTION AND CONTROL OF A LOCAL GOVERNMENT AND APPROVED UNDER 53-24-208.

(4) "Department" means the department of institutions provided for in 2-15-2301.

(5) "Family member" is the spouse, mother, father, child, or member of the household of an alcoholic whose life has been affected by the actions of the alcoholic and may require treatment.

(6) "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment.

REFERENCE BILL

(7) "Incompetent person" means a person who has been adjudged incompetent by the district court.

(8) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.

(9) "Prevention" has meaning on four levels; these are:

(a) education to provide information to the school children and general public relating to alcohol dependence and alcoholism, treatment, and rehabilitative services and to reduce the consequences of life experiences acquired by contact with an alcoholic;

(b) early detection and recovery from the illness before lasting emotional or physical damage, or both, have occurred;

(c) if lasting emotional or physical damage, or both, have occurred, to arrest the illness before full disability has been reached;

(d) the provision of facility requirements to meet division program standards and improve public accessibility for services.

(10) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational

rehabilitation, and career counseling, which may be extended to alcoholics, intoxicated persons, and family members."

~~Section 2. Section 53-24-104, MCA, is amended to read:~~

~~"53-24-104. Deposit of funds from federal or private sources with state treasurer. Funds available to the department from federal or private sources for use in alcohol and drug dependence prevention, treatment, and control programs shall be deposited with the state treasurer to the account of the department in the federal and private revenue fund. Funds received by the department under this section shall be allocated to the counties on the same basis as liquor and beer tax revenue when not in conflict with federal or private laws or federal regulations."~~

Section 2. Section 53-24-108, MCA, is amended to read:

"53-24-108. Utilization of funds generated by taxation on alcoholic beverages. (1) Revenue generated by 16-1-404, 16-1-406, and 16-1-408 ~~for~~ to state approved programs whose ~~sole~~ function is the treatment, rehabilitation, and prevention of alcoholism may be distributed in either of the following manners:

(a) as payment of fees for alcoholism services provided by state-approved alcoholism programs, ~~certified alcoholism counselors, licensed physicians, and licensed hospitals~~, CERTIFIED ALCOHOLISM COUNSELORS, LICENSED PHYSICIANS, AND LICENSED HOSPITALS; and

(b) as grants to persons operating state-approved alcoholism programs.

(2) No person operating a state-approved alcoholism program may be required to provide matching funds as a condition of receiving a grant under subsection (1) of this section.

(3) In addition to funding received under this section, a person operating a state-approved alcoholism program may accept gifts, bequests, or the donation of services or money for the treatment, rehabilitation, or prevention of alcoholism.

(4) No person receiving funding under this section to support operation of a state-approved alcoholism program may refuse alcoholism treatment, rehabilitation, or prevention services to a person solely because of that person's inability to pay for those services.

(5) A grant made under this section is subject to the following conditions:

(a) The grant application must contain an estimate of all program income, including income from earned fees, gifts, bequests, donations, and grants from other than state sources during the period for which grant support is sought.

(b) Whenever, during the period of grant support, program income exceeds the amount estimated in the grant application, the amount of the excess shall be reported to

the grantor.

(c) The excess shall be used by the grantee under the terms of the grant in accordance with one or a combination of the following options:

(i) use for any purpose that furthers the objectives of the legislation under which the grant was made; or

(ii) ~~deduction from total project costs to determine the net costs on which the grantor's share of the costs is based~~ to allow program growth through the expansion of services or for capital expenditures necessary to improve facilities where services are provided.

(6) Revenue generated by 16-1-404, 16-1-406, and 16-1-408 for the treatment, rehabilitation, and prevention of alcoholism which has not been encumbered for those purposes by the counties of Montana or the department shall be returned to the state's ~~general~~ earmarked revenue fund for the treatment, rehabilitation, and prevention of alcoholism within 30 days after the close of each fiscal year."

~~Section 43. Section 53-24-203, MCA, is amended to read:~~

~~"53-24-203. Duties Powers and duties of department. (1) The department shall may:~~

~~(1)(a)~~ ~~plan, promote, and assist in the support of alcoholism and drug dependence prevention, treatment, and control programs;~~

(2)--conduct, sponsor, and support research, investigations, and studies, including evaluations of all phases of alcoholism and drug dependence;

(3)(b)--assist approved programs in the development of educational and training programs relative to alcoholism and drug dependence and carry on programs to assist the public and technical and professional groups in becoming fully informed about alcoholism and drug dependence;

(4)(c)--promote, develop, and assist financially and otherwise alcoholism public and private alcohol and drug dependence programs administered by other state agencies, local government agencies, and private nonprofit organizations and agencies the department;

(5)(d)--encourage and promote effective use of facilities, resources, and funds in the planning and conduct of programs and activities for prevention, treatment, and control, and prevention of alcoholism alcohol and drug dependence and, in this respect, cooperate with and utilize to the maximum possible extent the resources and services of federal, state, and local agencies;

(6)--develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of alcoholism and treatment of alcoholics and intoxicated persons in cooperation with public and private agencies, organizations, and individuals and provide technical

assistance and consultation services for these purposes;

(2)--The department shall:

(a)--encourage planning for the greatest utilization of funds by discouraging duplication of services, encouraging efficiency of services through existing programs, and encouraging rural counties to form multicounty districts or contract with urban programs for services;

(7)(b)--coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in treatment and prevention of alcoholism and treatment of alcoholics and intoxicated persons;

(8)--cooperate with the board of pardons in establishing and conducting programs to provide treatment for alcoholics and intoxicated persons in or on parole from penal institutions;

(c)--COOPERATE WITH THE BOARD OF PARDONS IN ESTABLISHING AND CONDUCTING PROGRAMS TO PROVIDE TREATMENT FOR ALCOHOLICS AND INTOXICATED PERSONS IN OR ON PAROLE FROM PENAL INSTITUTIONS;

(9)(c)(d)--cooperate with the state board of education, the superintendent of public instruction, schools, police departments, courts, and other public and private agencies, organizations, and individuals in establishing awareness programs for the prevention of alcoholism and treatment of

alcoholics and intoxicated persons and preparing curriculum materials thereon for use at all levels of education;

(10) (a) prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol;

(11) (c) (i) develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of alcoholics and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of alcohol;

(12) (f) (i) (G) organize and foster training programs for all persons engaged in treatment of alcoholics and intoxicated persons;

(g) (ii) (H) distribute funds to approved programs according to the allocation for distribution as provided for in 16-1-404 PROVISIONS OF 53-24-206;

(13) sponsor and encourage research into the causes and nature of alcoholism and treatment of alcoholics and intoxicated persons and serve as a clearinghouse for information relating to alcoholism;

(14) (h) (i) (I) specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission,

and frequency and duration of treatment;

(15) (i) (J) (I) advise the governor in the preparation of a comprehensive plan for treatment of alcoholics and intoxicated persons for inclusion in the state's comprehensive health plan;

(16) (j) (J) (K) review all state health, welfare, and treatment plans to be submitted for federal funding under federal legislation and advise the governor on provisions to be included relating to alcoholism and intoxicated persons;

(k) (i) (L) provide ongoing training of approved program personnel;

(17) assist in the development of, and cooperate with, alcohol education and treatment programs for employees of state and local governments, businesses, and industries in the state;

(18) (l) (i) (M) utilize the support and assistance of interested persons in the community, particularly recovered alcoholics, to encourage alcoholics to voluntarily undergo treatment;

(19) (m) (i) (N) cooperate with the department of justice in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated;

(20) (n) (i) (O) encourage general hospitals and other appropriate health facilities to admit without

discrimination--alcoholics--and--intoxicated--persons-and-to provide-them-with-adequate-and-appropriate-treatment;

~~(21)(iii)~~--encourage---all---health---and---disability insurance--programs--to--include--alcoholism--as--a--covered illness;-and

~~(22)(iv)~~--submit-to-the--governor--an--annual--report covering-the-activities-of-the-department.

Section 4. Section 53-24-204, MCA, is amended to read:

"53-24-204. Powers of department. (1) To carry out this chapter, the department may:

~~(1)~~(a) accept gifts, grants, and donations of money and property from public and private sources;

~~(2)~~(b) enter into contracts;

~~(3)~~(c) acquire and dispose of property;

~~(4)--plan,--establish,--and-maintain-treatment-programs as-necessary-or-desirable;~~

~~(5)--coordinate--its--activities--and--cooperate---with alcoholism--programs--in--this--and--other--states--and-make contracts-and-other-joint-or-cooperative--arrangements--with state,--local,--or-private-agencies-in-this-and-other-states for-the-treatment-of-alcoholics-and-intoxicated-persons--and for-the-common-advancement-of-alcoholism-programs;~~

~~(6)--do--other--acts-and-things-necessary-or-convenient to-execute-the-authority-expressly-granted-to-it;-and~~

~~(7)--provide--treatment--facilities---for---alcoholics,~~

~~intoxicated-persons,-and-family-members.~~

~~(2) To--carry--out--this--chapter,--the~~ THE department shall:

(a) approve treatment programs as provided for in 53-24-208;

(b) prepare an annual state plan for the delivery of treatment services;

(c) provide for and conduct statewide service system evaluations;

(d) distribute state and federal funds to the counties for approved treatment programs in accordance with the provisions of ~~16-1-404~~ 53-24-206;

(e) plan in conjunction with approved programs and provide for training of program personnel delivering services to alcoholics;

(f) establish criteria to be used for the development of new programs; and

(g) certify and establish standards for the certification of alcoholism and drug dependence counselors;

(h) ENCOURAGE PLANNING FOR THE GREATEST UTILIZATION OF FUNDS BY DISCOURAGING DUPLICATION OF SERVICES, ENCOURAGING EFFICIENCY OF SERVICES THROUGH EXISTING PROGRAMS, AND ENCOURAGING RURAL COUNTIES TO FORM MULTICOUNTY DISTRICTS OR CONTRACT WITH URBAN PROGRAMS FOR SERVICES; AND

(i) COOPERATE WITH THE BOARD OF PARDONS IN

ESTABLISHING AND CONDUCTING PROGRAMS TO PROVIDE TREATMENT FOR ALCOHOLICS AND INTOXICATED PERSONS IN OR ON PAROLE FROM PENAL INSTITUTIONS."

SECTION 5. SECTION 53-24-206, MCA, IS AMENDED TO READ:

"53-24-206. ~~Receipt~~ Administration of financial assistance ~~authorized~~. (1) The department may apply for and receive grants, allotments, or allocations of funds or other assistance for purposes pertaining to the problems of alcohol and drug dependence or related social problems under laws and rules of the United States, any other state, or any private organization.

(2) The department may cooperate with any other government agency or private organization in programs on alcohol and drug dependence OR related social problems. In carrying out cooperative programs, the department may make grants of financial assistance to government agencies and private organizations under terms and conditions agreed upon.

(3) (a) In administering proceeds derived from the liquor license tax or the beer license tax, the department shall distribute 80% of the available money to the counties for use by approved programs in the following manner:

(i) Eighty-five percent shall be allocated according to the proportion of each county's population to the state's population according to the most recent United States

census.

(ii) Fifteen percent shall be allocated according to the proportion of the county's land area to the state's land area.

(b) The remainder of the money shall be distributed to approved programs on a discretionary basis by the department to those programs that can demonstrate that:

(i) the program is achieving the goals and objectives mutually agreed upon by the program and the department; and

(ii) the receipt of additional money would be justified.

(C) MONEY DISTRIBUTED UNDER SUBSECTION (3) MAY ONLY BE USED FOR PURPOSES PERTAINING TO THE PROBLEMS OF ALCOHOLISM OR RELATED SOCIAL PROBLEMS.

Section 6. Section 53-24-207, MCA, is amended to read:

"53-24-207. Comprehensive program for treatment. (1) The department shall establish a comprehensive and coordinated program for the treatment of alcoholics, intoxicated persons, and family members.

(2) The program shall include:

(a) emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital;

(b) inpatient treatment;

(c) intermediate treatment; and

(d) outpatient ~~and follow-up~~ treatment~~,~~ and

(e) follow-up services for the purpose of determining whether additional treatment is needed.

~~(3) Treatment services for family members of alcoholics are secondary to the development of detoxification services and services for the treatment and rehabilitation of alcoholics.~~

~~(3)~~(4)(3) The department shall provide for adequate and appropriate treatment for alcoholics and intoxicated persons admitted under 53-24-301 through 53-24-304. ~~Treatment may not be provided at a correctional institution except for inmates.~~

~~(4)~~(5)(4) All appropriate public and private resources shall be coordinated with and utilized in the program if possible.

~~(5)~~(6)(5) The department shall prepare, publish, and distribute annually a list of all approved public and private treatment facilities."

~~Section 7. Section 53-24-303, MCA, is amended to read:~~

~~"53-24-303. Treatment and services for intoxicated persons and persons incapacitated by alcohol. (1) An intoxicated person may come voluntarily to an approved public treatment facility for emergency treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he consents to the proffered help, may be~~

~~assisted to his home, an approved public treatment facility, an approved private treatment facility, or other health facility by the police.~~

~~(2) A person who appears to be incapacitated by alcohol shall be taken into protective custody by the police and forthwith brought to an approved public treatment facility for emergency treatment. If no approved public treatment facility is readily available, he shall be taken to an emergency medical service customarily used for incapacitated persons. The police, in detaining the person and in taking him to an approved public treatment facility, are taking him into protective custody and shall make every reasonable effort to protect his health and safety. In taking the person into protective custody, the detaining officer may take reasonable steps to protect himself. No entry or other record may be made to indicate that the person taken into custody under this section has been arrested or charged with a crime.~~

~~(3) A person who comes voluntarily or is brought to an approved public treatment facility shall~~ may be examined by a licensed physician as soon as possible. ~~He may then be admitted as a patient or referred to another health facility. The referring approved public treatment facility shall arrange for his transportation.~~

~~(4) A person who by medical examination is found to be~~

~~incapacitated by alcohol at the time of his admission or to have become incapacitated at any time after his admission may not be detained at the facility once he is no longer incapacitated by alcohol or if he remains incapacitated by alcohol for more than 48 hours after admission as a patient unless he is committed under 53-24-304. A person may consent to remain in the facility as long as the physician in charge believes appropriate.~~

~~(5) A person who is not admitted to an approved public treatment facility and is not referred to another health facility may be taken to his home. If he has no home, the approved public treatment facility shall assist him in obtaining shelter.~~

~~(6) If a patient is admitted to an approved public treatment facility, his family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, his request shall be respected.~~"

Section 7. Section 16-1-404, MCA, is amended to read:

"16-1-404. License tax on liquor -- amount -- distribution of proceeds. (1) The department is hereby authorized and directed to charge, receive, and collect at the time of sale and delivery of any liquor under any provisions of the laws of the state of Montana a license tax of 10% of the retail selling price on all liquor sold and

delivered. Said tax shall be charged and collected on all liquor brought into the state and taxed by the department. The retail selling price shall be computed by adding to the cost of said liquor the state markup as designated by the department. Said 10% license tax shall be figured in the same manner as the state excise tax and shall be in addition to said state excise tax. The department shall retain in a separate account the amount of such 10% license tax so received. ~~Two-thirds of these revenues shall be distributed to the counties according to the amount of liquor purchased in each county. One-third of these revenues shall be retained by the state. Thirty EXCEPT AS PROVIDED IN SUBSECTION (4), THIRTY~~ THIRTY percent of these revenues shall be allocated to the counties ACCORDING TO THE AMOUNT OF LIQUOR PURCHASED IN EACH COUNTY to be distributed to the incorporated cities and towns, as provided in subsection (2). FOUR AND ONE-HALF PERCENT OF THESE REVENUES SHALL BE ALLOCATED TO THE COUNTIES ACCORDING TO THE AMOUNT OF LIQUOR PURCHASED IN EACH COUNTY, AND THIS MONEY MAY BE USED FOR COUNTY PURPOSES. The remaining revenues shall be deposited in the earmarked revenue fund to the credit of the department of institutions for the treatment, rehabilitation, and prevention of alcoholism. Provided, however, in the case of purchases of liquor by a retail liquor licensee for use in his business, the department

shall make such regulations as are necessary to apportion that proportion of license tax so generated to the county where the licensed establishment is located, for use as provided in 16-1-405. The department shall pay quarterly to each county treasurer the proportion of the license tax due each county to be allocated to the incorporated cities and towns of the county. ~~and to the department of institutions for the treatment, rehabilitation, and prevention of alcoholism. THE COUNTY MAY RETAIN UP TO 5% OF THIS MONEY.~~

~~(2) The county treasurer of each county shall retain 50% of said license tax and shall, within 30 days after receipt thereof, apportion the remaining 50% thereof to the treasurers of the incorporated cities and towns within his county, said apportionment to be based in each instance upon the proportion which the gross sale of liquor in such incorporated city or town bears to the gross sale of liquor in all of the incorporated cities and towns in his county.~~ The license tax proceeds allocated to the county UNDER SUBSECTION (1) FOR USE BY CITIES AND TOWNS shall be distributed by the county treasurer to the incorporated cities and towns within 30 days of receipt from the department. The distribution of funds to the cities and towns shall be based on the proportion that the gross sale of liquor in each city or town is to the gross sale of liquor in all of the cities and towns of the county.

~~(3) of the 50% of the tax retained by the county, the county treasurer shall deposit six sevenths of this amount in a fund within the county for the treatment, rehabilitation, and prevention of alcoholism as approved by the state of Montana. The remaining one seventh of the funds shall be retained in the county treasury for use by that county.~~ The license tax proceeds that are allocated to the department of institutions for the treatment, rehabilitation, and prevention of alcoholism shall be credited quarterly to the department of institutions. ~~ten percent of the proceeds allocated to the department of institutions shall be used for the administration of the alcohol and drug abuse division of the department. The~~ remaining proceeds ~~THE LICENSE TAX PROCEEDS ALLOCATED TO THE DEPARTMENT MAY NOT BE USED FOR THE COSTS OF ADMINISTRATION, ADMINISTRATIVE COSTS OF THE ALCOHOL AND DRUG ABUSE DIVISION OF THE DEPARTMENT MUST BE PAID FROM APPROPRIATIONS MADE BY THE LEGISLATURE FOR THAT PURPOSE FROM THE EARMARKED REVENUE FUND. THE MONEY~~ THE LEGISLATURE MAY APPROPRIATE A PORTION OF THE LICENSE TAX PROCEEDS TO SUPPORT ALCOHOL PROGRAMS. THE REMAINDER shall be distributed ~~to the counties in the following manner:~~ AS PROVIDED IN 53-24-206.

~~(a) Eighty five percent shall be allocated according to the proportion of each county's population to the state's population according to the most recent United States~~

census.

(b)--fifteen-- -- cent--shall--be-allocated-according-to the-proportion-- --one-county's-land-area-to-the-state's-land area.

(4)--The--one-third--of--the--license--tax--on---liquor retained--by--the--state--shall--be-deposited-with-the-state treasurer-to-the-credit-of-the--department--of--institutions each---quarter---for---the--treatment,--rehabilitation,--and prevention-of-alcoholism-as-approved-by-the-state.

(a)--FOR--THE--1979-1981--BIENNIUM,--$100,000--OF---THE LICENSE--TAX--IS-ALLOCATED-EACH-YEAR-TO-THE-DEPARTMENT-TO-BE DISTRIBUTED--AS--PROVIDED--FOR--IN--SECTION 11 (2),---THE ALLOCATION--TO--THE-DEPARTMENT-UNDER-THIS-SECTION-SUBSECTION must-be-made-before-the-license-tax-revenues-are-distributed to-the-counties-and-the-state-as-provided-in-subsection-(1).

(5)--A--COUNTY--MAY--RETAIN--UP--TO--5%--OF--THE--MONEY ALLOCATED-TO-IT-UNDER-SUBSECTION-(3).

Section-9.--Section--16-1-408,-MCA,-is-amended-to-read:

"16-1-408.--Additional-tax.--(1) An-additional-tax-of-$1 per-barrel-is-levied-and-imposed-as--provided--by--16-1-406, and--such-additional-tax-is-also-to-be-levied-and-imposed-at the-same-rate-upon-beer-manufactured-within-the--state.--The additional--tax--of--$1--is-to-be-deposited,-notwithstanding 16-1-306-and-16-1-410-or-any-other-provision,-with-the-state treasurer-to-the-credit-of-the--department--of--institutions

each---quarter---for---the--treatment,--rehabilitation,--and prevention-of-alcoholism-as-approved-by-the-state.

(2)--The--proceeds--of--the--additional--tax--shall--be allocated--to--the-counties-on-the-same-basis-as-the-license tax-proceeds-provided-for-in-[subsection-(3)-of-section-8].

NEW-SECTION.--Section-10.--Contract----for-----services required.---Revenue-generated-from-16-1-404-and-16-1-408-and any-other-revenue-that-is-allocated-to-the-counties-for--the purpose--of--treatment,--rehabilitation,--and--prevention-of alcoholism-shall-be-contracted-for-services-by-the--counties to-state-approved-alcoholism-programs.-The-contracts-will-be developed--jointly--by--the--counties,-and-the-department-of institutions.-The-department-of-institutions--shall--monitor and--give--final--approval--to-contracts-based-on-compliance with-department-standards,-administrative-rules,--and--state law.

SECTION 8. SECTION 53-24-208, MCA, IS AMENDED TO READ:

"53-24-208. Facility standards. (1) The department shall establish standards for approved treatment facilities that must be met for a treatment facility to be approved as a public or private treatment facility and fix the fees to be charged for the required inspections. The standards may concern only the health standards to be met and standards of treatment to be afforded patients.

(2) Facilities applying for approval must demonstrate

a local need currently exists for proposed services and that the proposed services do not duplicate existing local services.

~~(2)~~(3) The department shall periodically inspect approved public and private treatment facilities at reasonable times and in a reasonable manner.

~~(3)~~(4) The department shall maintain a list of approved public and private treatment facilities.

~~(4)~~(5) Each approved public and private treatment facility shall, on request, file with the department data, statistics, schedules, and information the department reasonably requires. An approved public or private treatment facility that without good cause fails to furnish any data, statistics, schedules, or information as requested or files fraudulent returns thereof shall be removed from the list of approved treatment facilities.

~~(5)~~(6) The department, after holding a hearing in accordance with the Montana Administrative Procedure Act, may suspend, revoke, limit, or restrict an approval or refuse to grant an approval for failure to meet its standards.

~~(6)~~(7) A district court may restrain any violation of this section, review any denial, restriction, or revocation of approval, and grant other relief required to enforce its provisions.

~~(7)~~(8) Upon petition of the department and after a hearing held upon reasonable notice to the facility, a district court may issue a warrant to the department authorizing it to enter and inspect at reasonable times and examine the books and accounts of any approved public or private treatment facility refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this chapter."

~~Section 12. There is a new MCA section that reads:~~

~~Temporary aid to certain county programs. (1) The department shall distribute the money allocated to it under 16-1-404(4) to county programs that show an income decrease from 1978-1979 levels as a result of the percentage formula in [section 8].~~

~~(2) A county seeking assistance under this section must submit a request, approved by the board of county commissioners, to the department of institutions.~~

~~(3) The department shall establish criteria for apportioning the money among the counties; however, no more than $10,000 may be distributed to any one county. Payments of aid must be made quarterly to the county.~~

~~(4) A program located in a county with a population of 20,000 or more may not receive aid under this section.~~

SECTION 9. THERE IS A NEW MCA SECTION THAT READS:

County plan to be submitted to department. (1) By January 1, 1980, each county must submit to the department a comprehensive countywide plan for the treatment, rehabilitation, and prevention of alcoholism.

(2) The plan must have been approved by the board of county commissioners and must contain information regarding existing nonprofit and local government programs within the county. The plan must also contain information regarding the current and future needs of the county for the treatment, rehabilitation, and prevention of alcoholism.

(3) The department shall approve or disapprove the countywide plan. If the department disapproves a plan, the county may submit another plan to the department. IN DISTRIBUTING FUNDS TO APPROVED PROGRAMS IN A COUNTY, THE DEPARTMENT SHALL GIVE CONSIDERATION TO THE COUNTY PLAN.

(4) (a) After December 31, 1979, no money may be distributed to a county by the department for the treatment, rehabilitation, and prevention of alcoholism if the county has not submitted a plan as required by subsection (1).

(b) After June 30, 1980, no money may be distributed to a county by the department for the treatment, rehabilitation, and prevention of alcoholism if a county plan has not been approved by the department.

(5) The department may adopt rules regarding the submission, approval, and disapproval of plans.

SECTION 10. REPEALER. SECTION 53-24-203, MCA, IS REPEALED.

-End-